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Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

PRAYER

Gracious Father, we seek to be obedient to You as we fulfill the sacred duties of the Senate this week. A voice from the past calls us to make our work an expression of our faith. Samuel Adams said, "If you carefully fulfill the various duties of life, from a principle of obedience to your heavenly Father, you will enjoy that peace which the world cannot give nor take away."

May the Senators and all who assist them see the work of this day as an opportunity to glorify You by serving our country. We renew our commitment to excellence in all that we do. Our desire is to know and do Your will. Grant us a profound experience of Your peace, true serenity in our souls, that comes from complete trust in You and dependence on Your guidance. Free us of anything that would distract us or disturb us as we give ourselves to the tasks and challenges of this week. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator ROBERTS of Kansas, is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, this afternoon, the Senate will be in a period of morning business until 3 p.m. Following morning business, the Senate will resume consideration of H.R. 4112, the legislative branch appropriations bill.

As a reminder, a cloture motion was filed on Friday to the legislative branch bill and, therefore, Members

have until 2 p.m. today to file first-degree amendments. The cloture vote will occur tomorrow at approximately 9:30 in the morning.

At the conclusion of debate today on the legislative branch appropriations bill, the Senate will begin consideration of S. 2260, the Commerce-State-Justice appropriations bill. All Members are encouraged to come to the floor to offer and debate amendments to this legislation. The majority leader has announced there will be no rollcall votes during today's session and, therefore, any votes ordered with respect to any appropriations bills will be postponed, to occur on Tuesday following the vote on cloture.

UNANIMOUS CONSENT AGREEMENT—STRIKING SECTION 3705 OF CERTAIN ENGROSSED BILLS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the following bills, to strike section 3705 of each bill:

The Senate amendment to H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999;

S. 2057, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999; and

S. 2058, the Department of Energy National Security Act for Fiscal Year 1999.

I further ask unanimous consent that the Secretary be authorized, in the engrossment of the following bills, to strike the period at the end of section 2646(a)(2) of title 10, United States Code, as proposed to be added by section 321(a) of each bill, and insert in lieu thereof the following: "and only if such materials are specifically provided for in subchapter VIII, chapter 98 of the Harmonized Tariff Schedule of the United States.";

The Senate amendment to H.R. 3616, the National Defense Authorization Act for Fiscal Year 1999;

S. 2057, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999; and

S. 2060, the Department of Defense Authorization Act for Fiscal Year 1999.

I further ask unanimous consent that S. 2057, as so corrected, be printed as passed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 2230

Mr. ROBERTS. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2230) to improve the access and choice of patients to quality and affordable health care.

Mr. ROBERTS. Mr. President, I object to further consideration of the bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. ROBERTS. I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m. with Senators permitted to speak therein for not to exceed 5 minutes.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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PRIVILEGE OF THE FLOOR

Mr. THOMAS. Mr. President, may I ask unanimous consent that Vickery Fales from our office be granted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. THOMAS. Mr. President, I wanted to take the opportunity today as we gather, and before we begin debate on a specific bill, to talk a little bit about the Patients' Bill of Rights, the Republican bill that was introduced last week, a bill that I believe has a great deal of value for the American people. S. 2330, the Patients' Bill of Rights, will be the subject, I think, of our discussion this week and, indeed, should be.

For some time now we have been hearing from the other side of the aisle with respect to a Patients' Bill of Rights, and they will have one. Hopefully what will happen, we will have an opportunity to consider both of these bills, have an up-or-down vote on each of them, and successfully pass one of these versions that will protect patients throughout the country.

The Republican proposal is a carefully crafted plan intended to give patients and families more choices as we change the way health care is delivered in this country. And as we move toward more managed care, then there needs, I believe, to be some additional provisions put into law which will ensure that Americans and their families receive the kind of care we would like them to receive.

There are differences between the two bills. Some of them, I believe, are significant—some of them are broad differences that are philosophical, I suppose. For example, the Republican bill deals with those health plans that are not regulated by the States.

In Wyoming, my home State, things are quite different in terms of a health care delivery system compared to New York or California. We have a State of 100,000 square miles with 470,000 people, so you can imagine—we have small towns, and we have a different kind of system. Just this weekend I was in Casper, WY, celebrating the 15th anniversary of the Life Flight program in Wyoming. That is the helicopter, and a fixed wing as well, from the Central Wyoming Medical Center which serves the whole State.

We have one Life Flight program for all of Wyoming. It serves the mountains in the north; it serves the towns in the south. It is quite different, for example, than you would have in New England. So I think it is important that we allow States to continue regulating those health plans that they have jurisdiction over so they may craft regulations tailored to their specific needs. The Republican Patients Bill of Rights, therefore, focuses solely on health plans outside State jurisdiction.

Secondly, Republicans propose a different type of appeals process. The Democratic proposal says go to the courts; let's have more litigation; let's bring the lawyers in to decide health care issues. Republicans, on the other hand, say let's have a health care system where the appeals are decided more quickly, less expensively, and are made by doctors.

I think those are very important differences. The main focus of this debate, then, will and should center around patients. That is really what health care is all about. And I think the Republican plan achieves the goal of dealing with the needs of patients.

It includes at least six new consumer standards that I think are important for us to consider. One is access to emergency care. This is the kind of thing that I just spoke of in terms of Wyoming. As you can imagine, the Life Flight helicopter is an expensive project but very necessary. There is no other way to carry patients from a small town in the Big Horns to the medical center in Casper. This ensures that emergency care will be received.

The prudent lay care standard is adopted where emergency health care screening is guaranteed. And this is not the case, of course, in all managed care plans. So it is very important.

Point-of-service access, point-of-service coverage, this provides that if you choose to see a provider outside of the managed care network, the program should make arrangements for you to be able to do that. We think that is important. For continuity of care in case the physician leaves the health plan or the plan changes, patients must be notified of such changes. Patients also should have the opportunity to continue seeing that provider for at least 90 days while they make the transition to choose another provider in the health plan's preferred network. This transition period would apply to patients in their second trimester of pregnancy or for those who may be terminally ill. Again, also, that is an important issue. By the way, many of these issues are the same in both bills and that is good; there will be some agreement. There needs to be open discussion of all treatment options. Those of us who are in managed care need to know exactly what is coming. We need to know exactly what benefits will be covered. On the other hand, if you are going to have managed care and choose that as a less expensive option, then we can only expect to utilize the benefits that are covered. So there needs to be open discussion of all treatment options, as well as full disclosure of the health plan's terms and conditions.

There are some key differences, and I have mentioned them, between the GOP and the Kennedy bills. Most of the areas considered are the same or are, indeed, similar, and I think that is as it should be. But I have already mentioned that there is a grievance process that replaces litigation. I happen to think that is a great idea.

One of the real problems we have had in health care through the years is not only the cost of litigation itself, but also the types of duplicative services performed to prevent lawsuits, tests that are terribly expensive. Over the last several years, we have been able to reduce these costs. But now we find ourselves faced with similar circumstances than may raise the cost of health care again.

Obviously, you have to have some form of appeals program. However, the key is to make sure it proceeds in a timely manner so you do not wait 2 or 3 years to get redress. You don't have the time to do that in health care. You need some decisions made very quickly. The other requirement is to make sure such decisions are made by doctors, not by lawyers. That is important. So I think there is a great deal of merit to our approach.

So there are a number of reasons why I think the Republican approach is best. One is, it gives rights and remedies to 48 million Americans whose current coverages are unregulated. It also provides for some new provisions. It allows full deductibility for the purchase of health insurance by the self-employed, which has not been the case in the past. It outlaws gag rules placed on physicians. Most States have done that. It expands emergency room coverage. It makes it easier to get service outside of the HMO. It remove barriers to seeing obstetricians, gynecologists and pediatricians, which provides great peace of mind. It also requires the continuity of care and more information to consumers. Consumers are entitled to these standards. Standards which are designed to make managed care plans more accountable. So as we change health care in this delivery system, there needs to be some regulatory revisions, and that is what the Republican Patients Bill of Rights does.

This bill is something we need to do. The purposes are good. The legislation is well-written. It provides quality care based on sound medical evidence, and that is something that we sorely need in this country. I urge Members of the Senate to support the Republican health care bill.

I yield the floor.

Mr. WELLSTONE. Mr. President, I say to my colleague from Wyoming, way over there, if he needs more time, we don't have many people on the floor. I don't want him to rush on my account. Does he need more time? If so, I am pleased to wait.

Mr. THOMAS. I thank the Senator from Minnesota. I have finished what I have to say. I appreciate his patience.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

FEDERAL EMERGENCY
MANAGEMENT AGENCY

Mr. WELLSTONE. Mr. President, there are a number of matters I thought I would cover, since there are not a lot of people here on the floor

today yet. First of all, I want to talk about the appropriations bill that we passed for VA and HUD last week. While I submitted a statement for the RECORD, since we were in a rush and squeezed for time, I didn't have a chance to talk about FEMA and in particular the Director, James Lee Witt. I feel bad about that. I want to talk about FEMA, and I want to talk about Mr. Witt today on the floor because this small agency with a very big heart has made a huge difference to a lot of our States—to a lot of people in our States. As we go to conference, I hope the conferees will remember the very big job I think FEMA does and will honor the level of funding requested by the President in the President's budget.

My contact with James Lee Witt—I want to talk about him, and then I want to talk about FEMA. It is about more than one person. It goes back to 1993. The Chair today, from Kansas, of course, knows agriculture as well as anyone and knows what happens when you are faced with record flooding. We were hit with just terrible flooding in 1993. Farmers couldn't plant the crop. There was a lot of economic pain. I think that is the first time that I had a chance to just watch James Lee Witt in action.

What I was most impressed about was just what we call the hands-on approach. I felt he was the opposite of somebody who was impersonal, the opposite of a "bureaucrat." By the way, there are many bureaucrats who aren't "bureaucrats." There are many people in Government who do their very best for people. I get tired of the bashing sometimes. But he was so personable and really came through for people.

Then, of course, not that long ago—what was it, a year ago, a year-and-a-half ago—we had the floods in North Dakota. Everybody remembers Grand Forks, the flooding, the fire, the cold winter weather, and East Grand Forks in Minnesota, and other communities—Ada, Warren—it was just devastating.

I just want to say, again, the bad news is that, with FEMA, you know FEMA people are going to come out because there is a real crisis. The bad news of a James Lee Witt, the Director, visiting your State, is you know he wouldn't be there and other FEMA people wouldn't be there except for some kind of disaster, except for some kind of a crisis. The good news is that always good things happen afterwards.

Once upon a time, I remember, there was all sorts of frustration about FEMA. I don't want my colleagues to forget what Mr. Witt has done. I think he is one of the best appointments the President has ever made. He has done an excellent job of making this agency so much more responsive to people in our communities, people who are facing a real crisis. What he did, and what FEMA did, to help people who had been affected by the devastating flood of the Red River, was just remarkable. It was just remarkable. I want to comment on that on the floor.

Again, this past year, we were hit with tornadoes, and again the town of Comfrey was essentially leveled to the ground. St. Peter was hit hard, Le Center—I could talk about a lot of communities. Again, James Lee Witt came.

The people in Minnesota, the people in these communities who have been faced with these crises, have tremendous appreciation for this Director—tremendous appreciation. He has gone the extra mile every time to try to push the categories of assistance as far as he can, to try to get the help to people, to try to make sure there is not unnecessary delay, to try to make sure he cuts through as much of the bureaucracy as possible. And he has done that. I just want to say to colleagues, especially to the conferees, I hope we give this agency the funding they really deserve.

The other thing I think is real important is, FEMA is now focused on this predisaster mitigation program, which I think is real important. This is another example of FEMA being in a good partnership with our local communities and with our businesses, to figure out, given what we have been faced with, how, in fact, we can do the mitigation work to prevent a lot of the damage and a lot of the pain and a lot of cost that happens afterwards. This is a very proactive Director.

My last point is, I have fallen in love with FEMA people. I don't know if I would ever do this or not, but I am tempted, if I have the skill, when I am no longer in politics or public life, to work for FEMA. It is really fascinating when you get to know people. These are people from all around the country, and they travel around, they respond to these crises, they come into your State, they live in the State—it is like a family.

It is constant responding to people—people who have been flooded out of their homes, people who don't have any clothing, people who don't know where they are going to stay, people whose businesses have been destroyed.

Of course, it is so difficult, but I am so impressed with a lot of the FEMA people and the job that they do. It is just quite amazing. You meet a former head of the State patrol of California, retired military person here, retired business person there—a whole lot of pretty fascinating people who work for FEMA who are just experts at dealing with these crisis situations.

I don't think that any of us had an opportunity to speak about FEMA as we were going through the VA-HUD appropriations bill. I wanted to speak about FEMA, and I wanted to speak about FEMA's very able Director. I am positive that I am not just speaking for myself. I am also positive that I am not just speaking for Democrats. I think there are many Republicans who would echo my sentiments about Mr. Witt and about FEMA.

AUTO WORKERS' STRIKE

Mr. WELLSTONE. Mr. President, last week I had a chance to speak about the auto workers' strike in Flint, MI. Today, this strike is about local issues, but it is of national importance. Today the presidents and the other active members of United Auto Workers locals from around the country are in Flint, MI. I wanted to one more time say that we now are more than 5 weeks into this strike.

This has affected, I think, well over 100,000 workers in the country, not just the workers of Flint. The issues are clear cut—health and safety issues, which still are very important issues at the workplace in America, the speeding up of production lines, and the sending of work or the contracting out to outside suppliers.

My own view is that GM has made a mistake with what I characterize as hardball tactics, because I think what happens is with hardball tactics—the walking away from negotiations, the threat of cutting off health care benefits of those who are out on strike, the threat of shutting down the two parts plants in Flint, MI—what it does is it undercuts the very good labor relations that actually are so critical to productivity.

On the floor of the Senate, I say to GM in particular that I think good labor relations begin with a handshake, not a 2 by 4, and I hope to see both parties back in negotiations, and the sooner the better.

What is happening in Flint, MI—again, the issues are local but the significance of it is national. What is at stake is American jobs, good jobs, living-wage jobs, jobs that pay a good wage with good fringe benefits.

As I stand today on the floor of the U.S. Senate, I want to make it clear that as a Senator, that even though I am on the floor of the Senate, I also feel like my heart and soul are with the auto workers in Flint, MI. I extend my support as a Senator from Minnesota.

There is a whole tradition to this. When I was a college teacher, I used to teach labor history, a labor politics class, and some of the most famous sitdowns took place in Flint, MI, in 1937—a very courageous, very courageous action by workers. These auto workers come out of a very rich tradition, a lot of courage by their parents and their grandparents, and I believe they are showing the same courage today.

My hope is that we will see that negotiations will resume, that there will be a fair settlement, and that the United Auto Workers will not only have done well for themselves, but, more importantly, will do well for workers around the country.

There are key issues here—health and safety issues. People who work have a right to say, "Look, we're going to work, but we're going to work under civilized working conditions." People have a right to have a decent wage.

People have a right to focus on pension and health care benefits. People have a right to be concerned about the contracting out of jobs. They have a right to be concerned about the trade agreements, as a matter of fact.

That is why the workers in Flint, MI, are on the picket line today, and that is why, as a U.S. Senator from Minnesota, I strongly support these workers who are out on the picket line.

NOMINATION OF JAMES HORMEL

Mr. WELLSTONE. Mr. President, I read today in the paper—and I am not quite sure where we are headed, and I always look forward to having a chance to meet and talk with the majority leader, agree or disagree, on all issues—but I read in the paper the majority leader said he didn't think he would have time to bring up the nomination of James Hormel. That is a terrible mistake.

I have spoken on the floor. I said after the tobacco legislation, I was looking for an opportunity to offer an amendment. Frankly, on the basis of discussions I had with a lot of different people, I decided that it would be better to wait because I was hoping, if you will, that cooler heads would prevail on this matter and we would figure out a way to bring this nomination to the floor.

If it is a debate or discussion, it will be a good debate and good discussion. Too much of the climate has become too poisonous. If the majority leader is basically shutting the door on any action on the floor of the Senate—I hope he isn't; I guess that is my plea to the majority leader: I hope you have not done that—I want to find out as soon as possible. Then, I believe, it will be important for some of us to bring amendments to the floor and, basically, one way or another, have a debate and have an up-or-down vote.

Every Senator is entitled to their own opinion about whether or not James Hormel would be an able Ambassador to Luxembourg, and every Senator is entitled to a vote. I am entitled to my opinion, and I am entitled to a vote. I think the majority of us—well over 60 of us—would vote to confirm this nomination.

I cannot see anything in Mr. Hormel's record—anything in his record, anything in his record—that would disqualify him from this job. I see someone with an enormously successful background in education—that means a lot to me; education has been my life's work—a very successful business person, philanthropist, and very active in the legal profession. For the life of me, there is no reason to stop this nomination, except for the fact—and if this is the fact, let's get it out in the open—that he is gay. If that is what troubles colleagues, come out here and say it. If colleagues want to say he is gay, or if they want to say he has been too outspoken on gay causes, then let's get that out here.

Too many comments have been made in the last several months—made here, there—and I don't think that is good for the Senate. Frankly, the failure of the U.S. Senate to at least bring this nomination to the floor and have an honest discussion and an honest debate—frankly, this is less about Jim Hormel than it is about the Senate. The Senate is far more on trial than is Jim Hormel. This is not good for this institution. If this is just a case of discrimination against somebody because of their sexual orientation, we all have to look ourselves in the mirror. If not, fine, we will have the discussion, we will have the debate, and we will have the vote. But I don't think, as much as I might respect the majority leader or respect his prerogatives, necessarily his word would be the final word, at least in terms of a discussion and a debate. My hope is, we can figure out a way of bringing Mr. Hormel's nomination to the floor and that there will be a vote.

CHILDREN'S MENTAL HEALTH

Mr. WELLSTONE. Finally, Mr. President, seeing no other colleague on the floor, I want to talk about this more in detail and in depth when we have the Commerce-State-Justice appropriations bill before us, which I think will be in the next day or so. I am working on an amendment—I hope it can be ready—that actually evolves from a piece of legislation I have been working on for some time dealing with mental health in children.

I have been very lucky to have done a lot of the mental health work with Senator DOMENICI from New Mexico, my Republican colleague. He has certainly been more of the leader than I have, but I have been honored to work with him.

Mr. President, I went on a visit—I will talk about this in more detail, in more depth later—to Lula, LA, about 2 weeks ago as a Senator. I think it was some of the best work I have done as a Senator outside of Minnesota—the best work is in Minnesota. I wanted to go there because I have read some Justice Department reports about the need for real dramatic improvement in the conditions affecting these children.

I see pages here. This is a corrections center, and the kids that are here in the center range in age from 11 to about 18. A lot of the kids I talked to were 14, 15. I did talk to several 11-year-olds as well. I went down there determined—I talked to both of my colleagues from Louisiana, not to sort of say, well, how terrible, Louisiana; only in Louisiana. I do not believe that for a moment. I think we can do a lot better.

My focus had to do with mental health and children. The estimates now made by the Justice Department—there was a pretty powerful front-page story in the New York Times that was written last week that I will get in the RECORD when I offer this amendment.

But the fact of the matter is, the estimates are that about 25 percent of the kids here struggle with mental problems. Many of them actually never committed a crime. I mean, they would be picked up, they would run away from home, be out in the street. A very small percentage committed a violent crime; I guess probably less than 10 percent, closer to 5 percent. I will talk about that in a moment.

But what happens is that these facilities—and this is certainly what happened in Lula—become a dumping ground with kids struggling with mental illness. They should not be there in the first place. To compound the problem, they are there, but with no treatment. And to compound that problem, it becomes pretty brutal with them. They should not be there.

I went to Lula—and, again, I am going to be very careful as not to speak with that much emotion because there is plenty to be emotional about, but to just give a report on the floor of the Senate. I will focus on this again in more detail with the amendment so my colleagues know what the amendment is about.

In the administrative building there were a lot of people from Louisiana that were there, a lot of officials, which was fine. I met the new warden, whom I believe is trying to make changes. He just got there, so it would be unfair to pin any of this on him.

I wanted to go to the solitary confinement cells because I also heard kids were locked up in solitary confinement as many as 23 hours a day for as long as 6 or 7 weeks. I wanted to know which kids. I wanted to know, What does a kid do to be put in solitary confinement like this? What is the criteria you use? I wanted to know more about that.

Initially, we negotiated, and the idea was I would get there, but first I would start off with kids who were eating lunch. I went in, and it was interesting. There were kids eating lunch. I also say, since I think race is still a reality in America, my guess is over 80 percent of the kids of about 500-plus kids were African American. I do not know what the population is in Louisiana—certainly nowhere close to 80 percent.

Kids were eating, and I went up to some kids who were eating, and I just said, "How are you doing?" This one young guy said to me, "Not that good." I said, "What do you mean?" He said, "Well, you see this food?" By this time lots of officials were with me. He said, "See this food?" I said, "Yeah." He said, "We never eat this food. We never have a meal like this. This is just because you're here."

He said, "The table—smell the paint. This was just painted. These tables don't look like this." He said, "These clothes I have on,"—I am just reporting what he said to me—he said, "These clothes I have on, they just gave us this stuff last night. These aren't the clothes we usually wear. It's hot. There's no air conditioning. You

know, we smell—the same clothing, same underwear. We never get new clothing like this.”

Then he went on and he said, “When you go outside and you look at the baskets there, when you look at the hoops, the nets were put on the hoop. We didn’t have any nets on these hoops. This all just happened. This is a show.”

That is the way it started out. I just give that report. Then I walked across the yard, heading over to where the solitary confinement cells are, and there was a group of kids outside. It was very hot. And this one young man just basically broke away from the guards and leaped on to a roof of a building and started running toward me. I had a whole lot of people that were with me, a lot of media people from Louisiana, and again a lot of people from the State.

I went over to where he was, and I said, “You’re going to get in a lot of trouble.” And I think he said, “I know.” I said, “Why are you doing this?” He said, “I want to make a statement.” I said, “What is your statement?” He said, “I want to tell you this is a show. And I want to tell you, when you leave we’re going to be beaten up; we’re going to be retaliated against.”

Mr. President, I then met with four kids and their lawyer from the Southern Poverty Law Center—a great lawyer—for about an hour. They talked about some of the retaliation—which, by the way, I have to give the warden credit. There has been some reduction in this. But the more I was there, the more it became clear to me—and, again, I will, from Fox Butterfield’s article in the New York Times, I will spend more time on this with the amendment.

But it became clear to me that there was precious little by way of vocational ed, hardly any education, not adequate counseling services, not an adequate way of assessing kids. Did they come from a home where there was violence in the home? Were there substance abuse problems? Were they themselves in need of treatment, especially in the mental health area, pharmacological treatment, or other treatment? Hardly adequate medical facilities.

I just have to tell you, Mr. President, I am not so angry at Louisiana because I know you can find plenty of these conditions around the country. But I am wondering how in the world we can let this happen in America.

Some of the kids I met with—one boy had stolen a moped, and thus he wound up here. One was there for breaking and entering and had broken into somebody’s home. Another cut somebody with a knife in a fight, so on and so forth.

But here is my question: I have two questions now. One, which will speak to the amendment that I hope to have ready, and the other goes beyond that. On mental health and children, I really do believe—and I spoke with the war-

den afterwards and, again, I give him credit for, I believe, trying to make changes, and I believe the same with the commissioner of corrections. I am always interested in having things change.

Senator BREAU said that there is going to be an all-out effort to do a lot more by way of training with the staff there. But my question is whether or not—when it comes to Louisiana or any State in the country, from Louisiana to California, to New York, to Minnesota; though I think there are great differences, great differences right now—the question really is this: Whether or not we are going to, within some kind of framework of integrated mental health services, provide these States with some resources so that, in fact, an assessment can be made, and so that we just do not dump kids in these facilities. And if they are in these facilities because they really have committed a crime, and they need to be in such a facility—although there are many alternatives—then we ought to make sure they get the treatment.

The second thing that I want to say, Mr. President, in this particular case is this has been all contracted out to—I forget the name of the company—and I have to wonder about how we do this. I mean, I have to say, I am all for profit. I am all for a strong private sector, especially the more small business focused it is, the more I like it. But when you are talking about juveniles, they are supposed to be receiving additional help.

They are supposed to get the educational and vocational opportunities. And they are supposed to be able to receive the kind of support services that will enable them, when they are 15 or 16 and after they have been in these facilities, to get out and rebuild their lives.

I have to tell you, America, that I do not think too many of these kids are going to be able to do that. And, frankly, if they went in mixed up, having made a mistake, having done something they should not have done, they are going to come out very different. You might not want to meet them at 10 p.m. at night.

I think what we are doing in some of these facilities is so shortsighted, it is so myopic, it is such a big mistake. Yes, hold people accountable. And if people commit crimes and should be in a corrections center, so be it. But you know what? There are certain standards of decency. There are certain standards about how we treat young people. Every one of these children is some mother’s child, is some father’s child. I do not care whether they are in Lula, LA, or in California, New York, Minnesota, or any other State.

Now, one of the things in Minnesota that I will brag on a little bit, although it is not heaven on Earth, we have tried very hard to do an assessment at the front end of the system and look for alternatives to incarcerating kids. I just think it is an area that even if we

don’t want to look at—sometimes we don’t want to know what we don’t want to know—we better look at this with our eyes open. These are kids. These are kids. A lot of them shouldn’t be there. A lot of them are struggling with mental problems. A lot of them aren’t getting any care whatever. We are talking about the criminalization of mental illness.

Above and beyond that, the other issue I point out is that the overall conditions of this facility are unconscionable. I want to make it clear again to the warden and to Louisiana, it is not just Louisiana. I know that. That just happened to be my first visit. But I do have to tell you that after 3 hours—and I don’t think I am naive; I have done a lot of organizing in a lot of communities with a lot of people who have struggled on the bottom—I have to tell you I was reeling for 3 hours there. I believe we have to do better. I am looking forward to introducing this legislation and maybe it will be an amendment on this bill. I hope I will get good support from my colleagues.

I thank both of my colleagues from Louisiana, in particular, for being supportive, talking with me about the trip, and their very strong interest in working with officials in Louisiana to make things better. There are some people in Louisiana State government who are absolutely committed to doing that. I know that. I certainly hope, as a Senator with an interest in this area, I can help out with their efforts.

What I can’t, however, forget, as I speak on the floor of the Senate, is what I saw. I saw conditions that I didn’t think existed today in America. I saw kids living under conditions that should not be. Kids shouldn’t be assaulted or beaten up for no good reason. That will take us nowhere.

There are new people who are moving in as security guards. There are changes that are being made. But I tell you, the sooner the better; the sooner the better. That is one of the reasons I speak on the floor of the Senate to try to help make these changes happen.

I thank my colleagues for their indulgence. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, notwithstanding the previous order, I ask unanimous consent, detecting no other Senator wishing to speak, I may be permitted to continue for 15 minutes in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERTS. I thank the Chair.

CONGRATULATING THE 22D AIR REFUELING WING, MCCONNELL AFB, WICHITA, KS

Mr. ROBERTS. Mr. President, I rise today to congratulate the Men and Women of the 22d Air Refueling Wing at McConnell Air Force Base in Wichita, Kansas. The crew at the 22d won recognition as the top KC-135 maintenance team in the world at a recent competition known as the Air Mobility Rodeo. This is an event sponsored by the Air Mobility Command. It is an accomplishment that requires skill, training, leadership, teamwork, pride, professionalism and unselfish dedication to the task at hand. I take this opportunity to publicly acknowledge their great success and professionalism.

The Air Mobility Rodeo is a binational, multinational event that is designed to develop and improve techniques and procedures that enhance air mobility operations—something that is very crucial in today's world. In this year's competition at McCord Air Force Base, the participants included more than 2,500 competitors formed in 80 teams from over 300 active duty Air Force, Air Force Reserve command, Air National Guard, U.S. Marine Corps, U.S. Army, and other Allied Nations. Winning this award is an important event worthy of real recognition. What also makes this such an important win is that for the 22d, it is a repeat win for this team. They walked away with the prize in the 1996 competition as well. And this leads me to say there is no question that the KC-135 aircraft at McConnell are the best maintained in the world.

Let me acknowledge the leadership at Team McConnell because without their leadership and guidance, the atmosphere at McConnell would never support the effort required to win this competition. The two key players are the Wing Commander, Col. Michael C. Gould, and the Senior Enlisted Advisor, Chief Master Sergeant Herbert V. Williams, Jr. Anyone who has been around the military understands how much the senior leadership of an organization sets the tone for the entire command.

There is one other member of the team whose contribution I want to recognize. That member is Lead Crew Chief, Sergeant Jeffery Gass. He was singled out for special recognition and was selected as Air Mobility Command's Crew Chief of the year.

It is men and women such as Sgt. Gass who make our military the most successful in the world. They are the unsung heroes—quietly working in the background, exceptionally professional, dedicated to their service and their nation, and serving the communities where they are stationed. The award nomination for Sgt. Gass is testimony to his unselfish dedication, his professional knowledge, and his service to his country and the local community.

I am particularly proud to recognize this team from McConnell Air Force

Base and Sgt. Gass not only because they contribute so much to the defense of our nation but because they contribute so much to Wichita and Kansas. Well done to the 22nd Air Refueling Wing and well done to Sgt. Gass.

THE MARINE ACTION IN CENTCOM FOR NEO OPERATIONS

Mr. ROBERTS. Mr. President, I rise today to compliment the men and women of our sea services, the U.S. Marine Corps and the U.S. Navy, on an operation recently conducted. It was about a month ago in the African country of Eritrea. I think we should all be very proud of the way the Navy and the Marine Corps team responded to what I refer to as a 911 call, to execute an evacuation operation, commonly called a NEO, in that part of the world in Africa. It resulted from the unrest that this country, Eritrea, has had with its neighbor, Ethiopia. Let me highlight the action as it unfolded.

On the evening of the June 5 of this year, the marines and sailors of the 11th Marine Expeditionary Unit, part of a forward-deployed Amphibious Ready Group, received what is called a warning order. A warning order is a "heads up" that a specific tasking is about to come your way and you had better start thinking about the mission that is contained in the warning order. That mission was the removal of American citizens from Eritrea because of the increasing unrest, as I have indicated, with Ethiopia. The marines, who had just finished conducting an exercise in Jordan, began their preparations right off the bat.

At 3:30 in the afternoon of the 6th of June, the commanding officer, Colonel T.L. Moore, as ordered by General Anthony Zinni, the Commander in Chief of the U.S. Central Command, launched two C-130 aircraft along with 30 marines and sailors from this expeditionary unit. They arrived in Asmara, Eritrea, and began removing U.S. citizens and personnel from other countries. At 11:50 p.m., on that same day, the mission was complete.

What mission?

These superb marines and sailors removed from harm's way, and to safety, 105 American citizens, 24 Norwegians, 20 who were British, 8 Canadians, 3 Ethiopians, 3 Japanese, 1 Korean, 1 Mexican, and 1 Swedish civilian. I am told the C-130s were proudly flying the Stars and Stripes in regards to this mission instead of their usual command banner strictly as a matter of pride in their mission and their nation.

Also as part of this continuing effort, the U.S.S. Tarawa got underway at 3 p.m. on the 6th and steamed at full speed to the coast of Eritrea to wait for any further requests for NEO assistance in case any more problems did, simply, come up.

I think the remarkable thing about the Tarawa is that the ship did actually prepare for this mission and got underway in less than 72 hours.

There was not any fanfare in the press about this. There were no stories in the media about the successful effort or pride of our men and women involved in this important mission. I think probably too many times the only military stories we hear about are some isolated event involving a service member that creates a negative headline, or some controversial issue, like today we are hearing over the media that somehow or other we are going to lessen or keep or improve or make more stringent the rules of the military in regards to adultery.

I just wanted to take this opportunity to share this mission with my colleagues because it reflects, I think, the pride and the professionalism that is the standard of the vast majority of the members of our Armed Forces. It is so infrequent that we in the Congress really salute these fine Americans.

So, Semper Fi and Bravo Zulu to the men and women of the 11th Marine Expeditionary Unit, the U.S.S. Tarawa, and all other members of our Corps and Navy involved in this effort.

U.S. INVOLVEMENT IN KOSOVO

Mr. ROBERTS. Mr. President, I want to call to the attention of my colleagues some headlines that are in today's press in reference to the problems that we are experiencing, the challenge we face, what could be a real tragedy in Kosovo. As I look at this, here is a headline from the Washington Post, as of this morning, written by R. Jeffrey Smith of the Post foreign service: "Thousands Flee As Lawlessness Spreads In Kosovo." And it gives an up-front and personal account in regards to a particular Albanian citizen who has lived there for 40 years and was beaten in the middle of the night, and what is going on in that country.

Here is another headline from the Washington Times as of today, by Philip Smucker of the Washington Times: "Kosovar Rebels Grow Bolder."

A grimy-faced teenager with bloodshot eyes and an automatic rifle ran at us, screaming, as we came down a hill into the heart of a raging firefight yesterday, on the bloodiest weekend of the Kosovo war.

Here is another headline from the European Stars and Stripes: "Fighting Flares In Kosovo."

From the New York Times: "Rebels Claim First Capture Of Kosovo City."

Last week I had an intelligence briefing on Kosovo. They indicated if this happened, in regards to Pristina, and also in regards to Orahovac—I am having a little trouble with the pronunciation, but it is indicative of many of the communities there. So we have the fighting that has actually spread.

Here is another article from the European Stars and Stripes: "SFOR Patrols Bosnian Border for Gun-Running." That is the situation in Bosnia. Of course right down from Bosnia, we have the situation in regards to Kosovo.

I am concerned about this because I think the United States and the rest of

our allies in Western Europe are on the verge of a deep and expensive and very dangerous involvement in yet another area of the Balkans. Unfortunately, and once again, I have yet to hear from the executive, and from the administration—more especially the President—to explain to the Congress nor, more important, the American people, why is this in our vital national interest to get in the middle of this growing conflict.

I think I can make a pretty good case in that regard, because I just returned from the three new prospective NATO countries—Poland, the Czech Republic and Hungary—with the distinguished chairman of the Senate Intelligence Committee, Senator SHELBY. To a person, every official whom we met with in those three countries indicated that what NATO does with regard to Kosovo and what we continue to do in Bosnia is the real test of NATO: What it will be; what it will do; what our involvement will be; if, in fact, we have a Palestinian kind of situation in the middle of Europe with Bosnia and Kosovo; whether or not we can end this kind of ethnic strife.

So I think you could probably make a case for our involvement in Kosovo, but I have yet to hear from anybody in the administration other than reacting to news accounts or to questions. I think it is time we heard.

On the other side of it, we don't want to back into a situation where there is no end in sight, no exit strategy, and no real consideration in terms of cost and involvement.

The media reports are very clear that the Yugoslavian leader, Mr. Milosevic, is taking very hard and brutal action against the ethnic Albanians who are living in Kosovo. They comprise 90 percent of the population. This is the same kind of activity that he promoted in regards to Bosnia and the breakup there.

We are making some diplomatic efforts. We have people there working overtime, but these efforts seem to keep changing. We have drawn several lines in the sand with threats of severe reprisals if the Serbian action against the Albanian population does not cease, and those lines in the sand are still there, they have been gone over, and the activity continues. So much for any kind of believability in regards to our commitment.

The Albanian rebels, known as the KLA, are simply growing in strength and the fighting is growing more fierce. There is no real peaceful solution in sight. The United States and NATO have threatened military action and they have had a military demonstration. It was a fly-over or fly-by. It was called "Determined Falcon." I really don't know how determined that falcon is, but neither side has offered to end the conflict and efforts to bring them to the table to get a solution have failed. In fact, the KLA is really, I think, buoyed by the apparent Western support for their cause. Obviously,

they are not interested in backing off now.

Mr. Milosevic, having observed our unwillingness to carry out our threats in the past, and coupled with the strong support of the Serbian people to put an end to the rebel uprising in Kosovo, has no reason to back off, either. So we have a standoff.

We have now started an international monitoring program in Kosovo "aimed at bringing peace to this strife-torn region."

Mr. President, I want everybody to understand this. This is a very important development. This observer group is comprised of about 40 diplomats and "military experts" attached to embassies in Belgrade. Our "military experts" are unarmed U.S. military forces from the European Command. This means we have U.S. personnel now in this kind of a situation.

I was reading press reports about it several days ago, and they are in white cars, very clearly marked. You hope, obviously, the white cars will be very clearly marked so they will avoid any kind of hostilities. In other words, if you are traveling in a white car and either side wants to do great mischief—and that is probably not the right word for it—why certainly, obviously, they would be highlighted.

I have several concerns, Mr. President, about all of this: We are, once again, backing into a military commitment in regard to Kosovo. The term of "unarmed military observers or experts" certainly brings back some memories of other situations where we have backed into those conflicts. It is *deja vu* all over again. We are running a great risk that our "military experts" or diplomats could be in harm's way.

NATO is conducting contingency planning that could involve thousands of military troops to separate the warring factions or impose peace. I must tell you, in talking to a British general at the ceremony celebrating the 50th anniversary of the Berlin airlift, when I was talking about this, I asked the general, "How many people would it take to really maintain order on that border?" And there have been estimates of anywhere from 7,000 to 25,000. It is very difficult terrain.

He said, "Oh, my no, it would take upwards of 70,000."

"Seventy thousand?" My mouth, obviously, dropped a little bit.

He said, "Of course, we don't intend on doing that." But, of course, then we didn't intend on doing that in other rather political involvements of gradualism that we have had around the world, and I am not going to spell those out in specific terms. I think everybody here knows what we are talking about. So we have those contingency plans that could involve thousands of military troops.

The costs, both in dollars and the impact on our already-stressed military, are potentially very devastating. I remember the briefing that we had in re-

gard to India and Pakistan, and our esteemed Secretary of State Madeleine Albright was talking about the related situation in regard to Kosovo and indicated that we might have to become much more involved there.

Senator STEVENS, the distinguished chairman of the Senate Appropriations Committee, said, "Wait a minute, we do not have the money, we do not have the funds, we do not have the materiel, we do not have the men and women in uniform to get the job done. We are already committed in the gulf. We are already committed in Bosnia. Most of those funds in the past have been taken out of the readiness account—we are not paying for it—and that is a real problem." I think the Senator's sense of urgency in his response to the Secretary was well taken.

There are many unanswered questions on how this conflict in Kosovo is in our vital national interest. Let me stress vital national interest. I do think it is in the best interest of NATO. I think we have to be very careful; I think we have to be very firm.

Senator LIEBERMAN, the distinguished Senator from Connecticut, and the former distinguished majority leader in the Senate and my colleague and longtime friend, Bob Dole, indicated we must take aggressive and very positive action. There are unexplained scenarios of Kosovo leading to a larger war in Europe if this conflict is not ended now.

But my primary concern in bringing this up, Mr. President, is this: This whole issue has yet to be addressed by the President and, for that matter, to some extent by this Congress in any way. Yet, here we are backing into a situation with "military observers" and with contingency plans that could involve thousands more. The President should not, nor will the Congress let him, commit the men and women of our Armed Forces without defining our national interests. That is fundamental, and I think we ought to spell that out. I call for the President to do so and to outline the objectives in the exit strategy for any involvement in that part of the world and in regard to Kosovo in particular.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 17, 1998, the federal debt stood at \$5,532,637,423,771.79 (Five trillion, five hundred thirty-two billion, six hundred

thirty-seven million, four hundred twenty-three thousand, seven hundred seventy-one dollars and seventy-nine cents).

One year ago, July 17, 1997, the federal debt stood at \$5,363,009,000,000 (Five trillion, three hundred sixty-three billion, nine million).

Twenty-five years ago, July 17, 1973, the federal debt stood at \$455,472,000,000 (Four hundred fifty-five billion, four hundred seventy-two million) which reflects a debt increase of more than \$5 trillion—\$5,077,165,423,771.79 (Five trillion, seventy-seven billion, one hundred sixty-five million, four hundred twenty-three thousand, seven hundred seventy-one dollars and seventy-nine cents) during the past 25 years.

INTERNATIONAL CRIMINAL COURT

Mr. ASHCROFT. Mr. President, I rise today to express my profound concern for the International Criminal Court that was overwhelmingly approved in Rome late on Friday. I was pleased that the United States voted against final passage of this global criminal court. The Administration should be commended for rejecting this international folly, which would have been dead on arrival in the Senate.

Unfortunately, however, the danger from this Court has not passed. The Administration is already coming under pressure from proponents of the court to reconsider its opposition. Even more disturbing is the possibility that the Court would assert jurisdiction over American soldiers, despite the American refusal to join the court. The Administration should "just say no" to any efforts to get the United States to reconsider or to signal any informal compliance with the Court.

As both a Member of the Senate Foreign Relations Committee and as Chairman of the Subcommittee on the Constitution, Federalism and Property Rights, I find the International Criminal Court profoundly troubling. If there is one critical component of sovereignty it is the authority to define crimes and punishments. This Court strikes at the heart of sovereignty by taking this fundamental power away from individual countries and giving it to international bureaucrats.

There are other aspects of this Court that are equally troubling. As examples, the authorization of international independent prosecutors, the expense of such a permanent court, and the lack of any clear limits on the Court's jurisdiction are all alarming. But no aspect of this Court is more troubling than the fact that it has been framed without any apparent respect for—indeed, in direct contravention of—the United States Constitution.

As Chairman of the Constitution Subcommittee, I have a number of particular concerns about the Court. First and foremost, I remain concerned by the possibility that Americans could be dragged before this Court and denied the protections of the Bill of Rights.

Even more fundamentally, I am concerned that the Administration participated in these negotiations without making any effort to insist that the proposed International Criminal Court incorporate and honor the Bill of Rights. Even if one concedes that we need an International Criminal Court—which I emphatically do not—we should certainly insist on respect for the Bill of Rights as the price of American admission.

America's ideals and values are ascendant in the post-Cold War world. America's position as world leader is, in no small part, a product of a Constitution that is the envy of the world. The Administration should be justly proud of that Constitution and should have insisted that those principles form the cornerstone for any International Criminal Court. That unfortunately was not the official position of this Administration.

In the United States, there is a right to a jury of your peers. In the United States, there is a privilege against self-incrimination. In the United States, we have eliminated the prospect of criminal liability for ill-defined common law crimes. In the United States, the Constitution limits the authority of prosecutors. None of these protections will be guaranteed for defendants brought before this international star chamber.

The proposed Court negotiated in Rome neither reflects nor guarantees the protections of the Bill of Rights. The Administration was right to reject the Court and must remain steadfast in its refusal to join a court that stands as a rejection of American constitutional values. We must never trade away American sovereignty and the Bill of Rights so that international bureaucrats can sit in judgment of the United States military and our criminal justice system.

In today's New York Times, there is an opinion piece in which Anthony Lewis chastises the United States for missing a historic opportunity by failing to vote in favor of the International Criminal Court. The author states that the vote to form the International Criminal Court "will be seen as a turn in the road of history." That is perhaps the only point in the piece with which I agree. The approval of this Court was indeed "a turn in the road of history." By ceding the authority to define and punish crimes, many nations took an irrevocable step to the loss of national sovereignty and the reality of global government. I, for one, am heartened to see that the United States took the right turn on the road of history, and I will work hard to ensure that there is no backtracking.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4112, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 3220

(Purpose: To amend House legislative branch appropriation bill to include Senate items.)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BENNETT, for himself and Mr. DORGAN, proposes an amendment numbered 3220.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. This is, in effect, putting down our version of the bill, and it becomes original text.

AMENDMENTS NOS. 3221, 3222, AND 3223, EN BLOC,
TO AMENDMENT NO. 3220

Mr. STEVENS. I send to the desk a series of second-degree managers' amendments and ask for their consideration.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BENNETT, for himself and Mr. DORGAN, proposes amendments numbered 3221, 3222, and 3223, en bloc.

The amendments are as follows:

AMENDMENT NO. 3221

(Purpose: To increase the appropriation for Capitol Police expenses)

On page 14, line 24, strike "\$6,077,000" and insert "\$6,297,000".

AMENDMENT NO. 3222

On page 2, line 9, strike "\$79,183,000" and insert "\$87,233,000".

On page 2, between lines 21 and 22, insert the following:

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$6,050,000.

On page 3, line 25, strike "\$19,332,000" and insert "\$21,332,000".

On page 4, line 22, strike "\$75,600,000" and insert "\$66,800,000".

On page 5, line 10, strike "\$7,905,000" and insert "\$8,655,000".

On page 12, between lines 2 and 3, insert the following:

SEC. 10. (a) The Committee on Appropriations is authorized in its discretion—

(1) to hold hearings, report such hearings, and make investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate;

(2) to make expenditures from the contingent fund of the Senate;

(3) to employ personnel;
 (4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency;

(5) to procure the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 and Senate Resolution 140, agreed to May 14, 1975); and

(6) to provide for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(b) Senate Resolution 54, agreed to February 13, 1997, is amended by striking section 4.

(c) This section shall be effective on and after October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 11. (a)(1) The Chairman of the Appropriations Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Appropriations Committee of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committee.

(2) The Chairman of the Appropriations Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Appropriations Committee of the Senate, to the account from which salaries are payable for such committee.

(b) Any funds transferred under this section shall be—

(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

(c) This section shall take effect on October 1, 1998, and shall be effective with respect to fiscal years beginning on or after that date.

AMENDMENT NO. 3223

(Purpose: To amend the provisions relating to the Trade Deficit Review Commission)

On page 35, line 8, strike all through line 9 on page 49 and insert the following:

TITLE IV—TRADE DEFICIT REVIEW COMMISSION

SEC. 401. SHORT TITLE.

This title may be cited as the "Trade Deficit Review Commission Act".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) The United States continues to run substantial merchandise trade and current account deficits.

(2) Economic forecasts anticipate continued growth in such deficits in the next few years.

(3) The positive net international asset position that the United States built up over many years was eliminated in the 1980s. The United States today has become the world's largest debtor nation.

(4) The United States merchandise trade deficit is characterized by large bilateral trade imbalances with a handful of countries.

(5) The United States has one of the most open borders and economies in the world. The United States faces significant tariff and nontariff trade barriers with its trading partners. The United States does not benefit from fully reciprocal market access.

(6) The United States is once again at a critical juncture in trade policy development. The nature of the United States trade deficit and its causes and consequences must be analyzed and documented.

SEC. 403. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Trade Deficit Review Commission (hereafter in this title referred to as the "Commission").

(b) PURPOSE.—The purpose of the Commission is to study the nature, causes, and consequences of the United States merchandise trade and current account deficits.

(c) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members as follows:

(A) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Finance.

(B) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Finance.

(C) Three persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Ways and Means.

(D) Three persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Ways and Means.

(2) QUALIFICATIONS OF MEMBERS.—

(A) APPOINTMENTS.—Persons who are appointed under paragraph (1) shall be persons who—

(i) have expertise in economics, international trade, manufacturing, labor, environment, business, or have other pertinent qualifications or experience; and

(ii) are not officers or employees of the United States.

(B) OTHER CONSIDERATIONS.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and consequences of United States merchandise trade and current account deficits.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

SEC. 404. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for examining the nature, causes, and consequences of, and the accuracy of

available data on, the United States merchandise trade and current account deficits.

(b) ISSUES TO BE ADDRESSED.—The Commission shall examine and report to the President, the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and other appropriate committees of Congress on the following:

(1) The relationship of the merchandise trade and current account balances to the overall well-being of the United States economy, and to wages and employment in various sectors of the United States economy.

(2) The impact that United States monetary and fiscal policies may have on United States merchandise trade and current account deficits.

(3) The extent to which the coordination, allocation, and accountability of trade responsibilities among Federal agencies may contribute to the trade and current account deficits.

(4) The causes and consequences of the merchandise trade and current account deficits and specific bilateral trade deficits, including—

(A) identification and quantification of—

(i) the macroeconomic factors and bilateral trade barriers that may contribute to the United States merchandise trade and current account deficits;

(ii) any impact of the merchandise trade and current account deficits on the domestic economy, industrial base, manufacturing capacity, technology, number and quality of jobs, productivity, wages, and the United States standard of living;

(iii) any impact of the merchandise trade and current account deficits on the defense production and innovation capabilities of the United States; and

(iv) trade deficits within individual industrial, manufacturing, and production sectors, and any relationship between such deficits and the increasing volume of intra-industry and intra-company transactions;

(B) a review of the adequacy and accuracy of the current collection and reporting of import and export data, and the identification and development of additional data bases and economic measurements that may be needed to properly quantify the merchandise trade and current account balances, and any impact the merchandise trade and current account balances may have on the United States economy; and

(C) the extent to which there is reciprocal market access substantially equivalent to that afforded by the United States in each country with which the United States has a persistent and substantial bilateral trade deficit, and the extent to which such deficits have become structural.

(5) Any relationship of United States merchandise trade and current account deficits to both comparative and competitive trade advantages within the global economy, including—

(A) a systematic analysis of the United States trade patterns with different trading partners and to what extent the trade patterns are based on comparative and competitive trade advantages;

(B) the extent to which the increased mobility of capital and technology has changed both comparative and competitive trade advantages;

(C) any impact that labor, environmental, or health and safety standards may have on comparative and competitive trade advantages;

(D) the effect that offset and technology transfer agreements have on the long-term competitiveness of the United States manufacturing sectors; and

(E) any effect that international trade, labor, environmental, or other agreements may have on United States competitiveness.

(6) The extent to which differences in the growth rates of the United States and its trading partners may impact on United States merchandise trade and current account deficits.

(7) The impact that currency exchange rate fluctuations and any manipulation of exchange rates may have on United States merchandise trade and current account deficits.

(8) The flow of investments both into and out of the United States, including—

(A) any consequences for the United States economy of the current status of the United States as a debtor nation;

(B) any relationship between such investment flows and the United States merchandise trade and current account deficits and living standards of United States workers;

(C) any impact such investment flows may have on United States labor, community, environmental, and health and safety standards, and how such investment flows influence the location of manufacturing facilities; and

(D) the effect of barriers to United States foreign direct investment in developed and developing nations, particularly nations with which the United States has a merchandise trade and current account deficit.

SEC. 405. FINAL REPORT.

(a) IN GENERAL.—Not later than 12 months after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a final report which contains—

(1) the findings and conclusions of the Commission described in section 404; and

(2) recommendations for addressing the problems identified as part of the Commission's analysis.

(b) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 407. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of

title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 408. SUPPORT SERVICES.

The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 409. APPROPRIATIONS.

There are appropriated \$2,000,000 to the Commission to carry out the provisions of this title.

Mr. STEVENS. Mr. President, these are three managers' amendments which I have sent to the desk. They have been cleared on both sides of the aisle. I ask for their immediate adoption en bloc and I ask unanimous consent that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to, en bloc.

The amendments (Nos. 3221, 3222, and 3223) were agreed to, en bloc.

AMENDMENT NO. 3220, AS AMENDED

Mr. STEVENS. Mr. President, I ask for the adoption of the underlying first-degree amendment, as amended.

The PRESIDING OFFICER. If there is no objection, the underlying amendment is agreed to, as amended.

The amendment (No. 3220), as amended, was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3224

(Purpose: To require certain Legislative Branch officials to submit to Congress lists of activities performed under the jurisdiction of the officials that are not inherently governmental functions)

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of

Senator THOMAS and Senator BROWNBACK.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. THOMAS, for himself and Mr. BROWNBACK, proposes an amendment numbered 3224.

Mr. STEVENS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place at the end of the bill insert:

SEC. 311. (a) This section applies to the following officials:

(1) The Architect of the Capitol.

(2) The Secretary of the Senate

(3) The sergeant at Arms and Doorkeeper of the Senate.

(4) The Public Printer.

(5) The Director, and the Executive Director, of the United States botanic Garden.

(b)(1) Not later than March 30, 1999, each official named in subsection (a) shall submit to Congress a list of each activity that—

(A) is to be performed by or for the official in fiscal year 2000;

(B) is not an inherently governmental function; and

(C) is—

(i) performed by a Federal Government source on September 30, 1998; or

(ii) initiated after that date, if one or more Federal government sources are to be considered for selection as the source to perform the activity.

(2) Each list shall include (for each activity listed)—

(A) the number of full-time employees (or its equivalent) that would be necessary for the performance of the activity by a Federal Government source; and

(B) the name of a Federal Government employee responsible for the activity from whom additional information about the activity may be obtained.

(c) An activity is not required to be included on an official's list under subsection (b) if the activity, as determined by the official—

(1) is to be performed as a Federal Government response to a national emergency declared by the President or Congress;

(2) is to be performed for the official by a private sector source pursuant to a contract or other agreement entered into by the head of another department or agency of the Federal Government; or

(3) is the provision of items that should be produced, manufactured, or provided, or services that should be provided, by a Federal Government source for reasons of national security (including reasons relating to the acquisition, processing, or analysis of intelligence in the national security interests of the United States).

(d) In this section:

(1) The term "Federal Government source", with respect to performance of an activity, means any organization within the Federal Government that uses Federal Government employees to perform the activity.

(2)(A) The term "inherently governmental function" means a function that is so intimately related to the public interest as to require performance by Federal Government employees.

(B) The term includes activities that require either the exercise of discretion in applying Federal government authority or the making of value judgments in making decisions for the Federal government, including

judgments relating to monetary transactions and entitlements. An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as—

(i) to bind the United States to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

(ii) to determine, protect, and advance United States economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;

(iii) to significantly affect the life, liberty, or property of private persons;

(iv) to commission, appoint, direct, or control officers or employees of the United States; or

(v) to exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the collection, control, or disbursement of appropriated and other Federal funds.

(C) The term does not normally include—

(i) gathering information for or providing advice, opinions, recommendations, or ideas to Federal Government officials; or

(ii) any function that is primarily ministerial and internal in nature (such as building security, mail operations, operation of cafeterias, housekeeping, facilities operations and maintenance, warehouse operations, motor vehicle fleet management operations, or other routine electrical or mechanical services).

(3) The term "private sector source", with respect to the operation of a facility owned by the Federal Government, includes a contractor that is operating, or is to operate, the facility.

Mr. THOMAS. Mr. President, I am pleased to join my colleague, Senator BROWNBACK, in offering this amendment. What we seek to do with this amendment is quite simple: require the legislative branch to identify its commercial functions that are performed in-house.

For the past several years, I have been the primary Senate sponsor of the Freedom from Government Competition Act. That legislation would codify the 40 year old administrative policy in place for the executive branch which requires: (1) Federal agencies to identify their commercial activities; and (2) Conduct public/private competitions to determine whether the private sector or government employees can provide the "best value" to the American taxpayer. Unfortunately, this policy, now found in OMB Circular A-76, is routinely ignored by many federal executive agencies. In fact, OMB recently issued another call for federal agencies' commercial inventories, its third request in the last several years. That's why Senator BROWNBACK and I have been working to get this policy into statute.

Today, Senator BROWNBACK and I seek to extend some of these requirements to cover the legislative branch. In fact, we know that there are over one million federal executive branch employees engaged in commercial work. But since this policy doesn't apply to the legislative branch, we don't know how many legislative branch employees are doing commer-

cial work, how much that work costs or whether the work could be done more efficiently by the private sector. This amendment will help us gather that information and make the legislative branch play by the same rules as the rest of the federal government.

I urge my colleagues to support this good government, common sense reform.

Mr. BROWNBACK. Mr. President, the amendment that Senator THOMAS and I have offered would simply require the Architect of the Capitol, the Secretary of the Senate, the Sergeant at Arms of the Senate, the Public Printer, and the Director of the United States Botanic Garden to submit to Congress an inventory of all noninherently governmental—or commercial—activities.

Throughout this session of Congress, my colleague from Wyoming and I have been working on S. 314, also known as the Federal Activities Inventory Reform (FAIR) Act, which would require the Federal agencies to do the same. My subcommittee, the Oversight Subcommittee on Government Management, Restructuring, and the District of Columbia has held three hearings focusing on this legislation. More recently, the Senate Governmental Affairs Committee reported this bill out of committee. This bill has bipartisan support, the support of the Administration, as well as Federal employees and the industry community.

Through our work on this issue, we concluded that this requirement should apply to the legislative branch as well. Last month, OMB asked all Federal agencies to submit their commercial inventory to OMB. The legislative branch should do the same and submit their inventory to Congress.

The Thomas-Brownback amendment tasks those who are engaged in the daily operations of the legislative branch to identify these commercial activities. Once these activities are identified, the heads of these legislative branch departments, along with the Senators, will have the opportunity to evaluate these functions.

Past discussions concerning these activities in the legislative branch have focused only on specific targets such as the Senate Barber Shop and Beauty Salon. In order to have a comprehensive view of how to improve operations in the legislative branch, we need to know all commercial activities performed in-house.

As the legislative body of the Federal Government, we, as Congress have the opportunity to not only legislate on this issue, but to set an example. I challenge my colleagues who are committed to ensuring that no taxpayer's dollar is wasted in the Federal Government, to set this example and support this amendment.

Mr. STEVENS. Mr. President, I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. STEVENS. I say, it was with some reservations that I sent this

amendment to the desk. But that was the agreement of the managers that was made on Friday, that we would adopt this amendment. Therefore, I ask to carry out their agreement.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 3224) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise in support of S. 2138, the legislative branch appropriations bill for fiscal year 1999.

The bill, as reported provides \$1.6 billion in new budget authority and \$1.3 billion in outlays for the Senate and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others. As a matter of comity, the bill does not include funding for operations of the House of Representatives.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals \$2.4 billion in budget authority and outlays. The bill is under the subcommittee's 302(b) allocation \$38 million in budget authority and at its allocation for outlays.

I want to commend the distinguished chairman and ranking member of the Legislative Branch Subcommittee for producing a bill that is substantially within their 302(b) allocation. I am pleased that this bill continues to hold the lien on congressional spending.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of S. 2137, as reported. I urge the Senate to support this bill and refrain from offering amendments that would cause the subcommittee to violate its 302(b) allocation.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 2137, LEGISLATIVE BRANCH APPROPRIATIONS, 1999
SPENDING COMPARISONS—SENATE-REPORTED BILL
(Fiscal year 1999, in millions of dollars)

| | De- fense | Non- de- fense | Crime | Man- datory | Total |
|---------------------------|--------------|----------------------|-------|----------------|-------|
| Senate-reported bill: | | | | | |
| Budget authority | | 2,361 | | 94 | 2,455 |
| Outlays | | 2,328 | | 94 | 2,422 |
| Senate 302(b) allocation: | | | | | |
| Budget authority | | 2,399 | | 94 | 2,493 |
| Outlays | | 2,328 | | 94 | 2,422 |
| 1998 level: | | | | | |
| Budget authority | | 2,257 | | 92 | 2,349 |

S. 2137, LEGISLATIVE BRANCH APPROPRIATIONS, 1999
SPENDING COMPARISONS—SENATE-REPORTED BILL—
Continued

[Fiscal year 1999, in millions of dollars]

| | De- fense | Non- de- fense | Crime | Man- datory | Total |
|-------------------------------------|--------------|----------------------|-------|----------------|-------|
| Outlays | | 2,209 | | 92 | 2,301 |
| President's request | | | | | |
| Budget authority | | 2,472 | | 94 | 2,566 |
| Outlays | | 2,411 | | 94 | 2,505 |
| House-passed bill: | | | | | |
| Budget authority | | 2,330 | | 94 | 2,424 |
| Outlays | | 2,302 | | 94 | 2,396 |
| SENATE-REPORTED BILL COMPARED TO | | | | | |
| Senate 302(b) allocation: | | | | | |
| Budget authority | | -38 | | | -38 |
| Outlays | | | | | |
| 1998 level: | | | | | |
| Budget authority | | 104 | | 2 | 106 |
| Outlays | | 119 | | 2 | 121 |
| President's request | | | | | |
| Budget authority | | -111 | | | -111 |
| Outlays | | -83 | | | -83 |
| House-passed bill: | | | | | |
| Budget authority | | 31 | | | 31 |
| Outlays | | 26 | | | 26 |

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 4 p.m. this afternoon.

There being no objection, the Senate, at 3:22 p.m., recessed until 4:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENS).

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3225

(Purpose: To make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site)

Mr. MCCAIN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for himself, and Mr. COATS, Mr. LEAHY, Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. KERREY, Mr. ENZI, Mr. WYDEN, Mr. FEINGOLD, Mr. ABRAHAM, and Mr. ROBB, proposes an amendment numbered 3225.

Mr. MCCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . AVAILABILITY OF CERTAIN CRS WEB SITE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Director of the Congressional Research Service shall make available on the Internet, for purposes of access and retrieval by the public, all information that—

(A) is available through the Congressional Research Service web site;

(B) is described in paragraph (2); and

(C) is not confidential as determined by—

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service.

(2) INFORMATION.—The information referred to in paragraph (1)(B) is as follows:

(A) All Congressional Research Service Issue Briefs.

(B) All Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service web site.

(C) All Congressional Research Service Authorization of Appropriations Products or Appropriations Products.

(3) REMOVAL OF INFORMATION; CHANGES AND UPDATES.—Notwithstanding any other provision of this section, the Director of the Congressional Research Service may—

(A) remove from the information required to be made available on the Internet under this section the name of, phone number of, and information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available on the Internet under this section, any material the Director determines may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes or updates in the information required to be made available on the Internet under this section that the Director determines are necessary to ensure that the information is accurate.

(b) TIME.—The information shall be so made available not earlier than 30 days after the first day the information is available to Members of Congress through the Congressional Research Service web site.

(c) REQUIREMENTS.—The Director of the Congressional Research Service shall make the information available in a manner that the Director determines—

(1) is practical and reasonable; and

(2) does not permit the submission of comments from the public.

(d) METHOD OF PUBLIC ACCESS.—The public shall have access to the web page containing Congressional Research Service information that is available to the public only through the Library of Congress' THOMAS web page (<http://thomas.loc.gov>). The Director of Congressional Research Service shall work with the Librarian of Congress to establish an appropriate Internet link to carry out this subsection. The Director of Congressional Research Service shall be responsible for maintaining and updating the web page containing Congressional Research Service products. The Director of Congressional Research Service shall have sole discretion to edit the web page based on the criteria established by this Act. The Librarian of Congress shall have the responsibility of working with the Director of Congressional Research Service only to the extent necessary to establish the link from the THOMAS web page to the public access Congressional Research Service web page. Nothing in this Act may be construed to interfere with the Librarian's normal duties concerning THOMAS.

(e) FURTHER APPROVAL NOT REQUIRED.—Notwithstanding the first proviso under the subheading "SALARIES AND EXPENSES" under the subheading "CONGRESSIONAL RESEARCH SERVICE" under the heading "LIBRARY OF CONGRESS" under title I of this Act (relating to prior approval of certain publications), the Director shall make information available in accordance with this section without the prior approval of the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives.

Mr. MCCAIN. Madam President, this amendment to HR 4112 would direct the Director of the Congressional Research Service to post "CRS Reports to Congress" and "CRS Issue Briefs" on the Internet. My intention for offering this amendment would be to establish a web site for the public to access CRS products only through the THOMAS web site. This amendment is co-sponsored by Senators COATS, LEAHY, FAIRCLOTH, ASHCROFT, KERREY, ROBB, FEINGOLD, ABRAHAM, ENZI, and WYDEN.

I believe that it is important that the public be able to use this CRS information. For FY 1999, the American taxpayers will pay \$67.9 million to fund CRS' operations. CRS is well-known for being composed of expert specialists who write reports on the important policy issues of the day that are both factual and unbiased—a rarity for Washington. The public has a right to see that its money is being well-spent and has the right to see the product of their labors.

The CRS products can play an important role in educating the American public. Public access to these documents will mark an important milestone in opening up the federal government. Our constituents will be able to see the research documents that influenced our decisions and understand the trade-offs and factors that we consider before a vote. This will give the public an accurate view of Congress, instead of the current cynical view that sometimes prevails.

Also, constituents can learn a lot from these products. They can receive a concise, accurate summary of the issues before Congress. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here.

I would also like to make my colleagues aware that in many cases these products are already out on the Internet. "Black market" private vendors can charge \$47 for a single report. Other web sites have outdated CRS products on them. It is not fair for the American people to have to pay a third party for out-of-date products that they have already footed the bill for.

I know that my colleagues in the Senate Committee on Rules and Administration have proposed that Senators and Committee chairman be allowed to post CRS products as they see fit on the Internet. I appreciate that gesture, and believe that it is a first step. However, I am proposing this amendment as a way to take this process to the next logical step—a centralized web site.

A centralized web site will make it much easier for the public to find CRS information. The public can just go to a web site and look up those products that interest them. That would be much easier than having them go through all of our web sites to find CRS reports. This web site will be attached to the Congressionally mandated THOMAS web site, so that our

constituents can find legislation and the relevant CRS products—simple one-stop shopping.

A centralized web site will also present the information in a non-partisan format. I know that cynical constituents will look at the CRS reports on a Member's web page, and believe that those products are only put up to gain adherents to a particular political position. CRS is a nonpartisan organization, and its work should be presented on a non-partisan web site. This will allow the public to see CRS as it truly is, not as a political organization.

This bill also gives the Director of CRS discretion to protect himself from liability suits. The Director will be allowed to remove the names and phone numbers of a CRS employee to keep the public from distracting them from doing their jobs. I have also been informed that CRS may not have permission to release copyrighted information over the Internet. While I hope that this situation can be quickly resolved, I have included a provision in the bill to allow the Director to remove unprotected copyrighted information from the bill. Finally, I have allowed a 30 day delay between the release of these CRS products to Members of Congress and the public. This will allow CRS to revise their products and make sure that it is accurate and up-to-date before releasing it to the public.

Opponents of this legislation have tried to accuse this bill of violating the "Speech or Debate" Clause of the Constitution. I find this argument to be complete and total nonsense. When I first introduced this bill, I submitted a letter from Stanley M. Brand, the former General Counsel to the House of Representatives, who has experience in litigating "Speech or Debate" cases. I would like to re-submit his letter for the RECORD, and highlight his quote that:

I believe that the concerns expressed . . . are either overstated, or the extent they are not, provide no basis for arguing that protection of CRS works will be weakened by your bill.

I ask unanimous consent that the letter be made part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRAND, LOWELL & RYAN,
Washington, DC, January 27, 1998.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: I am writing to amplify the comments that I recently made to the press concerning applicability of the Speech or Debate Clause, U.S. Const. art. I, §6, cl. 1, to certain CRS products which your bill would, if enacted, make available on the Internet. Juliet Eilperin, Memo Claims That McCain Legislation to Put CRS Reports Online Could Have Constitutional Problems, Roll Call, January 15, 1998, p. 8.

First, as General Counsel to the House of Representatives I litigated virtually scores of cases involving the Speech or Debate Clause, including a landmark case before the Supreme Court reaffirming the central func-

tion of the clause in protecting the legislative branch from judicial and executive branch interference, *United States v. Helstoski*, 442 U.S. 477, *Helstoski v. Meanor*, 442 U.S. 500 (1979); see also, *Vander Jagt v. O'Neill*, 699 F.2d 1166 (D.C. Cir. 1983); *In Re Grand Jury Investigation*, 587 F.2d 589 (3d Cir. 1978); *United States v. Eilberg*, 507 F. Supp. 267 (E.D. Pa. 1980); *Benford v. American Broadcasting Co.*, 98 F.R.D. 42 (D. Md. 1983), *rev'd sub nom. In Re: Guthrie*, 735 F.2d 634 (4th Cir. 1984). Many of these cases which I litigated were cited in the CRS memorandum as supporting their conclusion that publication on the Internet would adversely affect the Speech or Debate Clause privilege.

I believe that the concerns expressed in the CRS memorandum are either overstated, or the extent they are not, provide no basis for arguing that protection of CRS works will be weakened by your bill. I also want you to know that I was, and remain, a strong advocate for vigorous assertion and protection of the Speech or Debate Clause privilege as a great bulwark of the separation of powers doctrine that protects the Congress from Executive and Judicial branch encroachment.

The CRS memorandum states "extensive involvement by CRS in the informing function might cause the judiciary and administrative agencies to reassess their perception of CRS as playing a substantial role in the legislative process, and thereby might endanger a claim of immunity even in an instance in which CRS was fulfilling its legislative mission."

This fear is simply unfounded. While the courts have consistently relegated the so-called "informing function" to non-constitutionally protected status, they have also steadfastly refused to permit litigants to pierce the privilege for activities that are cognate to the legislative process despite later dissemination outside the Congress. So, for example, *McSurely v. McClellan*, 553 F.2d 1277, 1286 n.3 (D.C. Cir. 1976)(en banc), the Court refused to allow a litigant to question Senate aides about acts taken with the Committee, even though acts of dissemination outside the Congress were subject to discovery. Publication of a CRS product on the Internet would no more subject CRS employees to questioning about the basis for their work, consultations with colleagues or the sources of that work, than would be the case if the same CRS product were obtained by means other than the Internet. Indeed, the fact that House and Senate proceedings are televised does not alter the applicability of the clause to floor speeches, committee deliberations, staff consultation, or other legislative activities. Even certain consultations concerning press relations are protected though dissemination to the media is not protected. Mary Jacoby, Hill Press Releases Protected Speech, Roll Call, April 17, 1995, p. 1 (the Senate Legal Counsel argued that because a legislative discussion is embedded in a press release doesn't entitle a litigant to question staff about the substance of the legislation); see also *Tavoulares v. Piro*, 527 F. Supp. 676, 682 (D.D.C. 1981) (court ordered congressional deponents to merely identify documents disseminated outside of Congress but did not permit questions regarding preparation of the documents, the basis of conclusions contained therein, or the sources who provided evidence relied upon in the documents), *Peroff v. Manual*, 421 F. Supp. 570, 574 (D.D.C. 1976)(preparation of a Committee witness by a congressional investigator is protected because "facially legislative in character"). Under this line of caselaw, it is difficult to foresee how the mere dissemination of a CRS product could subject any CRS employee to inquiry concerning the preparation of such a product. In short, because "discovery into alleged conduct of

[legislative aides] not protected by the Speech or Debate Clause can infringe the [legislative aides'] right to be free from inquiry into legislative acts which are so protected," *McSurely v. McClellan*, 521 F.2d 1024, 1033 (D.C. Cir. 1975), *aff'd en banc by an equally divided court*, 553 F.2d 1277 (1976) courts have imposed the Clause as a bar to any inquiry into acts unrelated to dissemination of the congressional reports.

In *Tavoulares v. Piro*, 527 F. Supp. at 682, the court ruled "[t]he fact that the documents were ultimately disseminated outside of Congress does not provide any justification" for piercing the privilege as to the staff's internal use of the document. *Accord McSurely v. McClellan*, 553 F.2d at 1296-1298 (use and retention of illegally seized documents by Committee not actionable); *United States v. Helstoski*, 442 U.S. 477, 489 (1979) (clause bars introduction into evidence of even non-contemporaneous discussions and correspondence which merely describe and refer to legislative acts in bribery prosecution of Member); *Eastland v. United States Servicemen's Fund*, 421 U.S. at 499 n. 13 (subpoena to Senate staff aide for documents and testimony quashed because "received by [the employee] pursuant to his official duties as a staff employee of the Senate" and therefore "... within the privilege of the Senate"). See also *United States v. Hoffa*, 205 F. Supp. 710, 723 (S.D. Fla. 1962), *cert. denied sub nom Hoffa v. Lieb*, 371 U.S. 892 (wiretap withheld from defendant by "invocation of legislative privilege by the United States Senate").

In the *Tavoulares* case, in which I represented the House deponents, part of the theory of plaintiff's case against the *Post* was that the reporter "laundered" the story through the committee "as a means of lending legitimacy" to the stories and information provided by other sources, *Tavoulares v. Piro*, 93 F.R.D. at 18. In pursuance of validating this theory, the plaintiff sought to prove that the committee never formally authorized the investigation, but rather that the staff merely served as a conduit and engaged in no *bona fide* investigative activity. The court ruled that "although plaintiffs have repeatedly suggested that the subject investigation was not actually aimed at uncovering information of valid legislative interest . . . it is clear that such assertions, even if true, do not pierce the legislative privilege."

As a practical matter, therefore, a litigant suing or seeking to take testimony from a CRS employee based on dissemination of a report alleged to be libelous or actionable may be unable to obtain the collateral evidence needed to prove such a claim—a serious impediment to bringing such a case in the first place.

Even in the case of *Doe v. McMillan*, 412 U.S. 306 (1973) relied on by the CRS memorandum to support its narrow view of the Clause's protection, the Court of Appeals on remand stated: "Restricting distribution of committee hearings and reports to Members of Congress and the federal agencies would be unthinkable." 566 F.2d 713, 718 (D.C. Cir. 1977). It would be similarly unthinkable to subject CRS to broad ranging discovery simply because its work product was made available on the Internet.

The CRS memorandum raises the specter that litigants might even seek "the files of CRS analysts" in actions challenging the privilege. It is beyond peradventure of doubt, however, that publication of even alleged defamatory or actionable congressional committee reports does not entitle a litigant to legislative files used or created in preparing such a report. *United States v. Peoples Temple of the Disciples of Christ*, 515 F. Supp. 246, 248-49 (D.D.C. 1981) *In re: Guthrie, Clerk, U.S. House of Representatives*, 773 F.2d 634 (4th Cir.

1984), *Eastland v. United States Servicemen's Fund*, 421 U.S. at 499, n. 13. Given the foregoing caselaw, I fail to see a realistic threat that CRS employees will be subjected to any increased risk of liability, or discovery of their files. Of course, nothing can prevent litigants from filing frivolous or ill-founded suits, but their successful prosecution or ability to obtain evidence from legislative files seems remote and nothing in your bill would change that.

The CRS memoranda even goes so far as to suggest that claims of speech or debate immunity for CRS products might lead to *in camera* inspection of material, itself an incursion into legislative branch discretion. Yet in the very case cited to by CRS memo, *no court* ordered *in camera* inspection of House documents. *In Re: Guthrie, supra*, involved *no in camera* inspection of legislative documents. These cases are typically litigated on the basis of the facial validity of the privilege and few, if any, courts of which I am aware have even gone so far as to order *in camera* inspection. See *United States v. Dowdy*, 479 F.2d 213, 226 (4th Cir. 1973) ("Once it was determined, as here, that the legislative function . . . was apparently being performed, the proprietary and motivation for the action taken as well as the detail of the acts performed, are immune from judicial inquiry"). Under the Clause, courts simply do not routinely resort to *in camera* review to resolve privilege disputes. Given the now highly developed judicial analysis of the applicability of the Clause to modern legislative practices it rarely occurs. In one recent celebrated case cited to by the CRS, the Court upheld a claim of privilege for tobacco company documents obtained by Congress even though they were alleged to have been stolen, without ever seeking *in camera* review. *Brown & Williamson Tobacco Corp. v. Williams*, 62 F.3d 408, 417 (D.C. Cir. 1995) ("Once the documents were received by Congress for legislative use—at least so long as congressmen were not involved in the alleged theft—an absolute constitutional ban of privilege drops like a steel curtain to prevent B&W from seeking discovery").

In an abundance of caution, and to address CRS' concerns, you might consider adding the following language to the bill: "Nothing herein shall be deemed or considered to diminish, qualify, condition, waive or otherwise affect applicability of the constitution's Speech or Debate Clause, or any other privilege available to Congress, its agencies or their employees, to any CRS product made available on the Internet under this bill."

I appreciate the CRS sensitivity to subjecting its employees, or their work product, to searching discovery by litigants. Based on the very good caselaw protecting their performance of legislative duties and the strong institutional precedent in both the House and Senate in defending CRS against such intrusions, I do not believe your bill creates any greater exposure to such risks than already exists.

I hope my views are helpful in your deliberations on this issue.

Sincerely,

STANLEY M. BRANCH.

Mr. MCCAIN. Madam President, in addition, I would like to point out that the Rules Committee has approved a decentralized system, where Senators can release CRS products on their private web pages. I see no difference between the release of CRS material on one hundred independent web pages and THOMAS, a Congressionally mandated web page. Both approaches should protect CRS equally.

I also urge my colleagues not to believe other arguments that CRS will

suffer from a huge rise in workload from this amendment. It will require only two computer technicians to set up this web site, and keep it updated. CRS already has a process for deciding which information goes up on their web site for Members of Congress. This bill only asks that they duplicate this process for a public version of that web page. Also, we release paper copies of these products to our constituents every day without causing a great strain to CRS staff. Finally, I have the results of an analysis of state legislative research organizations that do work similar to CRS and post these products on the Internet. None of these organizations have complained of a huge increased workload from releasing their products to the Internet.

In conclusion, I would like to point out that a centralized web site has been endorsed by the Congressional Accountability Project, the League of Women Voters, the American Council on Education, the American Library Association, the American Association of Engineering Societies, IBM, America Online Corporation, Intel Corporation, The Washington Post, The Dallas Morning News, The Arizona Republic, and a host of other groups, businesses, and newspapers interested in maintaining an informed electorate. I urge my colleagues to support this amendment. It will give CRS wide discretion to set up a nonpartisan centralized web site that will benefit the public and allow it to continue to do its great work for us.

Madam President, the number of people who use the Internet is increasing geometrically every single month. More and more Americans, especially young Americans, are relying on the Internet for information. Since we spend \$67 million a year in turning out the best possible information we can from Members of Congress, it seems to me at a very, very modest cost we should share that information with our constituents on the Internet at the web site that is already designated, the so-called THOMAS web site.

It is hard for me to understand why the Rules Committee has refused to act in an affirmative fashion on this issue. I hope we will be able to consider this amendment and that we will be able to have a voice vote on it and move forward and make this thing happen. If not, obviously, we will have to come back and back and back, but I have no doubt that the American people overwhelmingly, especially those who use the Internet to obtain information for themselves, for their classrooms, for their associates, for their families, should be privy to the same information that we are and that we provide our constituents in written form when requested rather than have to leaf through each of the 100 different web sites of Senators. It is time we caught up with the technology that is changing America. It is past time we caught up in a broad variety of ways, and this is one way we can do it.

Madam President, I yield the floor.

Mr. STEVENS. I ask the Senator from Virginia if he seeks the floor?

Mr. WARNER. Madam President, I thank my distinguished colleague. I do seek the floor. I would like to make a reply for the record on the amendment of the distinguished Senator from Arizona, Mr. MCCAIN.

Madam President, I thank my colleague. First, might I inquire of my colleague—I came as quickly as I could when I saw that Senator MCCAIN took the floor—is his amendment now on file? Have the yeas and nays been requested?

Mr. STEVENS. Madam President, the Senator from Virginia asks the question about Senator MCCAIN's amendment. The yeas and nays were not requested, to my knowledge.

The PRESIDING OFFICER. That is correct. They have not been requested.

Mr. STEVENS. The circumstances, I say to the Senator from Virginia, will preclude a vote on that amendment if cloture is granted at 10 a.m. tomorrow morning. If it is not granted, then he will be in a position to ask for the yeas and nays.

Mr. WARNER. Madam President, in fairness to my colleague from Arizona, even though I am in opposition, did he seek to have an up-or-down vote? I think we should extend the courtesy to him.

Mr. STEVENS. With due regard to the Senator's request, Madam President, the pending cloture vote would, if it is approved, mean that there would not be a vote on that amendment as it is not germane to the legislative appropriations bill.

Mr. WARNER. Madam President, I understand that, so I guess the Senator clarified as best he can the status of the amendment.

Mr. STEVENS. That is correct.

Mr. WARNER. I think it is important at this time as chairman of the Rules Committee to put into the RECORD some comments that I have.

Madam President, I also ask unanimous consent that if the distinguished Senator from Kentucky, Mr. FORD, desires to put something in, the RECORD be made available to his entry, as well as the distinguished Senator from Mississippi, Mr. COCHRAN. Both of these Senators have done a great deal of work on this and are in opposition to the McCain amendment. So I make that unanimous consent request in the event that they wish to do so.

Mr. STEVENS. Madam President, as I understand it, I would have to object.

Does the Senator wish to have an opportunity for those two Senators to make a statement today or put them in the RECORD?

Mr. WARNER. Just to put them in the RECORD.

Mr. STEVENS. I have no objection to that, nor do I have objection if the Senators wish to come now and speak. But I would object to keeping the Senate in session very much longer because we know we have a series of very long days coming now. Tuesday and Wednesday are going to be very long, and it is

our understanding the Senate will not be in session beyond 5 o'clock.

Mr. WARNER. Madam President, I will momentarily notify Mr. FORD.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. STEVENS. Will the Senator yield for a parliamentary inquiry? I understand the Senate will stand in adjournment following the statement of Senator WARNER.

The PRESIDING OFFICER. That is the unanimous consent agreement.

Mr. WARNER. Recognizing the distinguished Senator from Alaska wants to be brief, I will simply say this is a very important recommendation that the Senator from Arizona has made. It has been carefully studied by the Rules Committee. I, as chairman; Mr. FORD, as ranking member, we have taken a position in opposition—not to the ultimate goals sought by the distinguished Senator from Arizona, but to the time with which such a goal could likely be achieved. Second, we are still studying the issue and we are concerned that this proposal would take the Member out of the sequence of making this information available to the public. As I read the McCain request, it would mandate that the CRS and its Director would send a great deal of material—reports and issue briefs—right into the Internet system. No Member would be interposed between the recipients of that information and the Director of CRS.

That concerns this Senator a great deal, because if I am out there and come up on the system and access some of this information, it reads that the Director of the CRS put it out. Who is he? Of course, we all know that the CRS is a part of the Library of Congress. It was created for the purpose of accommodating the important needs of Members of Congress, committees, and their respective staffs. Suddenly, this information takes on the imprimatur that the Director takes this position on an issue, as opposed to a Member sending it out and the recipient contacting the Member.

So we, the Rules Committee, felt we should take a first step and therefore, on June 10, we sent to all Members of the Senate a Dear Colleague letter stating that we had now set up a system electronically whereby the CRS could, at the Member's request, transfer certain CRS products to a Member's web site.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON RULES
AND ADMINISTRATION,

Washington, DC, June 10, 1998.

DEAR COLLEAGUE: The Committee on Rules and Administration wishes to advise all Senators of their ability to make Congressional Research Service (CRS) products available to the public via Member and Committee Internet web sites.

As you know, CRS works exclusively for Congress and is prohibited from disseminat-

ing its work directly to the public. However, in accordance with a longstanding policy in the Senate, Members can and often do release CRS products to the public as part of their constituent service activities.

With the rapidly expanding use of the Internet, we believe it is appropriate for Members and Committees to use their web sites to further disseminate CRS products. The Rules Committee has worked with CRS to develop a system to facilitate the posting of CRS products on Member and Committee web sites. We invite you to visit the Rules Committee web site at <http://www.senate.gov/rules/> to view our posting of CRS products and we encourage you to post CRS products on your web site.

It is our intent to evaluate the public interest in this feature and the accompanying impact on CRS, Committees and Member offices before considering additional ways to electronically disseminate CRS products.

Robert Newlen of CRS can be reached at 7-4313 to coordinate the posting of CRS products on your web site.

With kind regards,

JOHN WARNER,

Chairman.

WENDELL H. FORD,

Ranking Member.

Mr. WARNER. Also, I would like to have printed in the RECORD a letter by the Senator from Arizona and others, and a July 20 Dear Colleague from myself and Senator FORD. This will create a record of correspondence on this matter.

I ask unanimous consent those be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 24, 1998.

Hon. JOHN W. WARNER, *Chairman*,
Hon. WENDELL H. FORD, *Ranking Member*,
Senate Committee on Rules and Administration,
Russell Senate Office Building, Washington, DC.

DEAR SENATORS WARNER AND FORD: We are writing to you in reference to your recent letter allowing Senators and their Committees to post Issue Briefs and "Congressional Research Service (CRS) Reports to Congress" on the Internet. While we appreciate this first step to make this information available to the public over the Internet, we are concerned that this decentralized approach may end up hurting our shared goal of giving the public electronic access to CRS products.

We have a number of concerns that we believe must be addressed in order to ensure that CRS Reports and Issue Briefs are put up on the Internet in a way that will benefit both the American people and the Congressional Research Service.

(1) We are concerned that CRS products will become inherently politicized by a decentralized approach.

The major reason why the American public is clamoring for CRS products is that they contain both accurate and nonpartisan information about important political issues—a rarity for Washington. Our concern with a decentralized approach is that it will inherently politicize CRS in the eyes of the American people. Members and Committees will be able to release CRS information as it suits their political needs. It is a likely possibility that Members may not give their constituents access to CRS products if they do not want an issue discussed or if they disagree with the CRS analysis of the issue. This will allow individual Senators to censor what their constituents see. It will also mean that CRS products will be publicly

used to support Senators' political positions, and give the public an inaccurate impression that CRS is a partisan agency. If CRS becomes politicized, there are important public and legal ramifications that must be considered.

We want to ensure that CRS keeps its excellent nonpartisan reputation. That is why we proposed in S. 1578 that CRS remain in control of a centralized public access web site that would be attached to a nonpartisan Congressionally mandated site, such as either the THOMAS web site or the United States Senate web site (www.senate.gov). CRS already has a nonpartisan process for making its products available electronically over the Senate intranet, and we believe that it would be best to allow them to continue to use this nonpartisan process for the public.

(2) A decentralized system will be confusing to constituents.

There is no doubt that a decentralized system will confuse constituents. Considering that different Members and Committees may post different CRS products, it is almost impossible for a constituent to find information about an issue. Instead, they will become confused by the multiple places they have to search. When faced with having to examine possibly 580 web sites for information, the public is apt to either give up or request a centralized web site.

We proposed a centralized web site based on the intranet web page CRS has already established. This system will allow constituents to search a general index based on what CRS has already established in order to easily find products. This will be less confusing for our constituents.

(3) A decentralized system may cause legal and liability problems for CRS.

The strategy as outlined in your letter will leave copyrighted information in the public CRS products. We have been informed by CRS that this oversight will cause legal and liability problems for CRS. On February 26, 1998, Daniel P. Mulholland, the Director of CRS, testified before your committee that "If a CRS product, containing substantial copyrighted material (albeit with appropriate credit) is made available to the general public without permission and outside the confines of traditional fair use, liability is possible."

Furthermore, there is nothing in your plan that will remove the names of CRS analysts from their products. During our consultations, CRS requested that the names of these analysts be removed in order to prevent the public from calling these analysts with their complaints. We share CRS's concerns on these issues, and would ask that you consider our proposals to give the Director of CRS discretion to remove the names of analysts and copyrighted information as he feels is necessary.

(4) A decentralized system will be a logistical nightmare.

As alluded to earlier, we are concerned that a decentralized system with no protocol from the Senate Rules Committee will be a logistical nightmare. Different Members and Committees may end up putting up the same CRS products, while other products are not released to the public. If there is no rule about updating CRS reports, the public may end up seeing out of date CRS products that will misinform them or even be a liability concern for CRS. Finally, there is concern that there will be a drag on the Members' personal and committee office staff as they select and update the web pages.

We are also concerned that the restrictions in the Senate Internet Usage Policies may obstruct your attempts at a decentralized system. According to these restrictions: "During the 60 day period immediately preceding the date of any primary or general

election (whether regular, special, or runoff) for any national, state, or local office in which the Senator is a candidate, no Member may place, update or transmit information using a Senate Internet Server (FTP Server, Gopher, and World Wide Web), unless the candidacy of the Senator in such election is uncontested."

This clearly prohibits Members from posting CRS products on their web sites before elections. One-third of the Members of the Senate will not be able to update what they have posted during the biennial election cycle.

A centralized web site will solve all of these concerns. CRS already has a uniform system for maintaining its centralized intranet web site. This web site has prevented much of the confusion that a decentralized web site would entail. The legislation proposed by us during our discussions with you would simply ask that CRS use its existing processes to maintain a web site that the public could access through a non-partisan Congressionally mandated web page. We know that this proposal would only require 3 CRS staff and not involve over 100 personal office and committee staff.

(5) A decentralized system may cost more than a centralized system.

Our concern is that a decentralized system may incur the same costs for CRS as a centralized system, while also being a funding and time drag on personal and committee offices. CRS will still have to use the same staff and resources preparing products for public dissemination in either a centralized or decentralized web site. However, the decentralized proposal will also end up using valuable personal and committee staff resources to post the products on their web pages and update them.

While we appreciate your recent attempt to address the issue of giving the public access to CRS products, we want to make sure that this is not a mis-step. By using our proposal for a centralized web site, we hope to work with you to create a public venue for access to CRS products that will give the Director of CRS greater discretion over the dissemination of CRS products while also reducing the public visibility of CRS. This will give the American public access to the high quality information that they already pay for, and still allow CRS to perform its statutory responsibility to only serve Congress.

We look forward to your continued cooperation on this issue, and hope to continue working with you to pass S. 1578 and establish a centralized web site where the public can access CRS products.

Sincerely,

JOHN MCCAIN.
LAUCH FAIRCLOTH.
PATRICK LEAHY.
MIKE ENZI.
DAN COATS.
SPENCER ABRAHAM.
CHARLES ROBB.
J. ROBERT KERREY.

COMMITTEE ON
RULES AND ADMINISTRATION,
Washington, DC, July 20, 1998.

DEAR COLLEAGUE: When the Senate considers the FY99 Legislative Branch Appropriations bill, Senator McCain is expected to offer an amendment that would mandate that the Congressional Research Service (CRS) directly release certain documents to the public through the THOMAS web site. As Chairman and Ranking Member of the committee with oversight of CRS, we have serious concerns regarding this amendment.

Let us state up front that we support the objective of using technological advances to increase the availability of CRS products to the public. Following testimony before the

Committee on Senator McCain's proposal, we announced a new initiative designed to increase access to this information while maintaining a long-standing policy that Congress, not CRS, disseminate CRS products to the public. This initiative, outlined in a June 10 letter which you have previously received, increases public access by facilitating dissemination of CRS information through member and committee home pages.

The McCain amendment would make a radical change in CRS policy by forcing CRS to directly disseminate material to the public. CRS is not an independent agency. It is an extension of our staff and was never intended to be an independent source of legislative information for the public. Instead, members communicate with their constituents and channel CRS information products to them as the member determines it is appropriate.

The Congressional Budget Office has estimated that the cost to CRS to implement this amendment would likely range between \$2 and \$8 million dollars annually. This amendment would create an entirely new mission for CRS—a public information function that CRS is neither organized nor funded to perform. The Rules Committee initiative, however, has minimal cost, preserves the representational relationship between a member and his or her constituents, and substantially increases public access to CRS information products.

Furthermore, the Joint Committee on Library is nearing completion of a report regarding this very matter. It would be premature to adopt this amendment prior to the completion of that report.

It is our intent to continue to evaluate the Rules Committee initiative to determine the level of public interest in CRS information products and to determine the best approach for achieving broader dissemination while preserving the historic role of CRS. We urge you to oppose this amendment and allow the Committee to continue to work with CRS to expand access to its products.

With kind regards,

WENDELL H. FORD,
Ranking Member.
JOHN WARNER,
Chairman.

Mr. WARNER. This helps Members, then, to better understand the inner workings of the Rules Committee, what we have done for Members, and what Senator MCCAIN is endeavoring to do. It lays out my concerns that it is important that we run this initial test, whereby Members of the U.S. Senate can now put this material out or the committees of the Senate can put this material out. Let's make some assessment over the next few months of what it costs, what staff are involved, and to the extent there is an interest out there in the public for this very voluminous amount of information that is created by CRS. It may well be in the due course of time we will take a further step towards the goals Mr. MCCAIN has in his amendment.

So for the time being we oppose the amendment and ask Senators to entrust to the Committee on Rules and Administration the proper analysis of the objective by Senator MCCAIN, as well as the costs associated with it and the desirability, in the public domain, for the dissemination of this information.

That concludes the remarks of the Senator from Virginia.

Mr. FORD. Madam President, I rise in opposition to the amendment by my

colleague and good friend from Arizona. I do not do so because I disagree with his goal of making the good work of the Congressional Research Service available to the general public. Nor do I believe that the American people should be prevented from seeing the kinds of documents we use every day to help us make difficult decisions here in Congress. The Senator from Arizona is nothing if not consistent in his commitment to open government, and this current effort, like so many others, is continued proof of his faith in those principles.

That said, however, I oppose this amendment because it attempts to solve a problem that really doesn't exist. For years, all Members of Congress have had the opportunity to make CRS materials available to constituents upon request. This arrangement has been beneficial to everyone concerned: citizens receive information on issues of interest; Members of Congress are kept informed about the issues that concern their constituents; and the CRS—which is an extension of Congressional staff and not a public agency—maintains the ability to study and explain difficult issues for its primary audience, the Congress, without external pressure from groups with an interest in the issues that CRS is charged with researching.

Of course, as technology has changed, CRS has been able to improve the ways of delivering materials to Congress. While CRS still prints reports and delivers them to Congressional offices by hand and by mail, those same reports are also now available to Members and staff via the Internet. Congress, similarly, can make use of technology and the Internet to distribute CRS materials to their constituents. There is no reason to switch from the procedure of allowing Members of Congress to interact with their constituents with regard to CRS products to a system where CRS responds directly to the public.

That is why Senator WARNER and I, as Chairman and Ranking Member of the Rules Committee, recently circulated a "Dear Colleague" letter announcing that the Rules Committee will be providing selected CRS documents to the public through a special link on the Committee Web site and inviting Members and Committee Chairmen to investigate the feasibility of doing the same with their Web sites.

Although it might seem like a big step for the Rules Committee and other offices to make CRS documents available on the Internet, the truth is that our Web page is nothing more than a new twist on the old method of making CRS documents available to interested citizens. The only difference is that, instead of using what Internet users call "snail mail," Members of Congress can make CRS materials available to constituents at the click of a mouse or the press of a button.

What has not changed is the necessary participation of Member offices in the process. Without that participation—without the ability of Members

and Committees to respond to constituent requests and to provide CRS products accordingly—CRS risks losing its status as an extension of our staff and the scholarly research and non-partisan analysis that are its hallmarks will be jeopardized.

That is why I think the pending amendment—which would remove Congressional offices from the equation and require that CRS prepared and maintain a central public Website for its products—is flawed. What is worse, requiring CRS to put all of its products on the Internet would cost millions of dollars—money that could be put to better use in recruiting new CRS analysts to replace those who will be eligible to retire shortly after the turn of the century. I simply cannot understand why CRS should be saddled with a project of this size when we in Congress already have the means to use existing technology to significantly improve the traditional method of distributing CRS products.

Madam President, as Ranking Member of the Rules Committee I have had several opportunities to hear out my colleague from Arizona on this issue. I urge him and any colleagues who support this amendment to follow the lead of the Rules Committee in offering CRS products to constituents via the Internet. As of now, no other Senate Committee—including the Commerce Committee, chaired by my colleague from Arizona—has taken advantage of the offer by CRS to assist Committee and Member offices with online access to CRS products.

Madam President, I have always believed that “if it ain’t broke, don’t fix it”—and until it is clear that Committee- and member-sponsored online distribution of CRS products is inadequate, I do not think we should expend the energy of the Senate—or the resources of the CRS—on such a questionable solution. I urge my colleagues to oppose the amendment.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2330. A bill to improve the access and choice of patients to quality, affordable health care.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1432. An act to authorize a new-trade investment policy for sub-Saharan Africa.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6098. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Security Zone; Coast Waters Adjacent to Florida” (Docket 07-98-006) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6099. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations; Cross River Swim Paducah Summerfest, Ohio River mile 934.5 to 936.0, Paducah, Kentucky” (Docket 08-98-040) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6100. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Special Local Regulations for Marine Events; New Jersey Off-shore Grand Prix” (Docket 05-98-006) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6101. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Beverly Homecoming Fireworks Display, Beverly Harbor, Beverly, MA” (Docket 01-98-082) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6102. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety Zone: Parade of Lights Fireworks Display, Boston Harbor, Boston, MA” (Docket 01-98-083) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6103. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA” (Docket 11-98-005) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6104. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; British Aerospace Model BAe 146-200A Series Airplanes” (Docket 98-NM-87-AD) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6105. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A320 Series Airplanes” (Docket 97-NM-197-AD) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6106. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes” (Docket 98-NM-41-AD) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6107. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “IFR Altitudes; Miscellaneous Amendments” (Docket 29265) received on July 16, 1998; to the Committee on Commerce, Science, and Transportation.

EC-6108. A communication from the Assistant Secretary for Tax Policy, Department of the Treasury, transmitting, a draft of proposed legislation regarding Puerto Rico and Virgin Islands Rum Excise Tax Collections; to the Committee on Finance.

EC-6109. A communication from the Director of the Office of Personnel Management,

transmitting, a draft of proposed legislation entitled “Omnibus Federal Human Resources Administrative Improvements Act”; to the Committee on Governmental Affairs.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations;

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals, Fiscal Year 1999” (Rept. No. 105-252).

ADDITIONAL COSPONSORS

S. 971

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 971, a bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

S. 1285

At the request of Mr. FAIRCLOTH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1285, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 1482

At the request of Mr. COATS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1482, a bill to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 2098

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2098, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 2112

At the request of Mr. ENZI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2112, a bill to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

S. 2114

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2114, a bill to amend

the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2128

At the request of Mr. STEVENS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2130

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2130, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 2157

At the request of Mr. CLELAND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2157, a bill to amend the Small Business Act to increase the authorized funding level for women's business centers.

S. 2185

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2185, a bill to protect children from firearms violence.

S. 2295

At the request of Mr. MCCAIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the Medicare and Medicaid programs.

AMENDMENTS SUBMITTED

LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 1999

GRAMS AMENDMENT NO. 3215

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him

to the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes; as follows:

In the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This title may be cited as the "Government Shutdown Prevention Act."

SEC. 2. AMENDMENT TO TITLE 31.

(a) IN GENERAL: Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

1311. Continuing appropriations

(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

(C) the rate or operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version.

(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of the fiscal year or any funding levels established under the provisions of this Act.

(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

(B) the last day of such fiscal year.

(d) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to the section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

(c) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

(f) For purposes of this section, the term "regular appropriation bill" means any annual appropriation bill making appropriations, otherwise making funds available or granting authority, for any of the following categories of projects and activities:

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

1311. Continuing appropriations.

(c) PROTECTION OF OTHER OBLIGATIONS.—Nothing in the amendments made by this section shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, and Medicaid.

SEC. 3. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to fiscal years beginning with fiscal year 1999.

BROWNBACK (AND OTHERS)
AMENDMENT NO. 3216

(Ordered to lie on the table.)

Mr. BROWNBACK (for himself, Mr. ASHCROFT, Mr. INHOFE, and Mr. SMITH

of New Hampshire) submitted an amendment intended to be proposed by them to the bill, H.R. 4112, *supra*; as follows:

At the appropriate place in the bill, add the following:

SEC. ____ COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

"SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

"(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

"(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

"(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

"(b) DETERMINATION OF TAXABLE INCOME.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the taxable income for each spouse shall be one-half of the taxable income computed as if the spouses were filing a joint return.

"(2) NONITEMIZERS.—For purposes of paragraph (1), if an election is made not to itemize deductions for any taxable year, the basic standard deduction shall be equal to the amount which is twice the basic standard deduction under section 63(c)(2)(C) for the taxable year.

"(c) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

"(d) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section."

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 of such Code as precedes the table is amended to read as follows:

"(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:"

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6013 the following:

"Sec. 6013A. Combined return with separate rates."

(d) BUDGET DIRECTIVE.—The members of the conference on the congressional budget resolution for fiscal year 1999 shall provide in the conference report sufficient spending reductions to offset the reduced revenues received by the United States Treasury resulting from the amendments made by this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**MCCAIN (AND OTHERS)
AMENDMENT NO. 3217**

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. COATS, Mr. LEAHY, Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. KERREY, Mr. ENZI, Mr. WYDEN, Mr. FEINGOLD, Mr. ABRAHAM, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, H.R. 4112, *supra*; as follows:

In the appropriate place in the bill insert the following:

SEC. 311. AVAILABILITY OF CERTAIN CRS WEB SITE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Director of the Congressional Research Service shall make available on the Internet, for purposes of access and retrieval by the public, all information that—

(A) is available through the Congressional Research Service web site;

(B) is described in paragraph (2); and

(C) is not confidential as determined by—

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service.

(2) INFORMATION.—The information referred to in paragraph (1)(B) is as follows:

(A) All Congressional Research Service Issue Briefs.

(B) All Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service web site.

(C) All Congressional Research Service Authorization of Appropriations Products or Appropriations Products.

(3) REMOVAL OF INFORMATION; CHANGES AND UPDATES.—Notwithstanding any other provision of this section, the Director of the Congressional Research Service may—

(A) remove from the information required to be made available on the Internet under this section the name of, phone number of, and information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available on the Internet under this section, any material the Director determines may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes or updates in the information required to be made available on the Internet under this section that the Director determines are necessary to ensure that the information is accurate.

(b) TIME.—The information shall be so made available not earlier than 30 days after the first day the information is available to Members of Congress through the Congressional Research Service web site.

(c) REQUIREMENTS.—The Director of the Congressional Research Service shall make the information available in a manner that the Director determines—

(1) is practical and reasonable; and

(2) does not permit the submission of comments from the public.

(d) METHOD OF PUBLIC ACCESS.—The public shall have access to the web page containing Congressional Research Service information that is available to the public only through the Library of Congress' THOMAS web page (<http://thomas.loc.gov>). The Director of Congressional Research Service shall work with the Librarian of Congress to establish an appropriate Internet link to carry out this subsection. The Director of Congressional Research Service shall be responsible for maintaining and updating the web page containing Congressional Research Service products. The Director of Congressional Research Service shall have sole discretion to edit the

web page based on the criteria established by this Act. The Librarian of Congress shall have the responsibility of working with the Director of Congressional Research Service only to the extent necessary to establish the link from the THOMAS web page to the public access Congressional Research Service web page. Nothing in this Act may be construed to interfere with the Librarian's normal duties concerning THOMAS.

(e) FURTHER APPROVAL NOT REQUIRED.—Notwithstanding the first proviso under the subheading "SALARIES AND EXPENSES" under the subheading "CONGRESSIONAL RESEARCH SERVICE" under the heading "LIBRARY OF CONGRESS" under title I of this Act (relating to prior approval of certain publications), the Director shall make information available in accordance with this section without the prior approval of the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives.

**DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 1999**

**HUTCHINSON (AND WELLSTONE)
AMENDMENT NO. 3128**

(Ordered to lie on the table.)

Mr. HUTCHINSON (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill (S. 2132) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 99, between lines 17 and 18, insert the following:

TITLE IX

HUMAN RIGHTS IN CHINA

Subtitle A—Forced Abortions in China

SEC. 9001. This subtitle may be cited as the "Forced Abortion Condemnation Act".

SEC. 9002. Congress makes the following findings:

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For over 15 years there have been frequent and credible reports of forced abortion and forced sterilization in connection with the population control policies of the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program, in fact the Communist Chinese Government encourages both forced abortion and forced sterilization through a combination of strictly enforced birth quotas and immunity for local population control officials who engage in coercion. Officials acknowledge that there have been instances of forced abortions and sterilization, and no evidence has been made available to suggest that the perpetrators have been punished.

(B) People's Republic of China population control officials, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical force.

(C) Official sanctions for giving birth to unauthorized children include fines in amounts several times larger than the per capita annual incomes of residents of the

People's Republic of China. In Fujian, for example, the average fine is estimated to be twice a family's gross annual income. Families which cannot pay the fine may be subject to confiscation and destruction of their homes and personal property.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. For example, according to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to population control under the slogan "better to have more graves than one more child". Enforcement measures included torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy.

(F) Since 1994 forced abortion and sterilization have been used in Communist China not only to regulate the number of children, but also to eliminate those who are regarded as defective in accordance with the official eugenic policy known as the "Natal and Health Care Law".

SEC. 9003. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue any visa to any national of the People's Republic of China, including any official of the Communist Party or the Government of the People's Republic of China and its regional, local, and village authorities (except the head of state, the head of government, and cabinet level ministers) who the Secretary finds, based on credible information, has been involved in the establishment or enforcement of population control policies resulting in a woman being forced to undergo an abortion against her free choice, or resulting in a man or woman being forced to undergo sterilization against his or her free choice.

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) with respect to a national of the People's Republic of China if the President—

(1) determines that it is in the national interest of the United States to do so; and

(2) provides written notification to Congress containing a justification for the waiver.

Subtitle B—Freedom on Religion in China

SEC. 9011. (a) It is the sense of Congress that the President should make freedom of religion one of the major objectives of United States foreign policy with respect to China.

(b) As part of this policy, the Department of State should raise in every relevant bilateral and multilateral forum the issue of individuals imprisoned, detained, confined, or otherwise harassed by the Chinese Government on religious grounds.

(c) In its communications with the Chinese Government, the Department of State should provide specific names of individuals of concern and request a complete and timely response from the Chinese Government regarding the individuals' whereabouts and condition, the charges against them, and sentence imposed.

(d) The goal of these official communications should be the expeditious release of all religious prisoners in China and Tibet and the end of the Chinese Government's policy and practice of harassing and repressing religious believers.

SEC. 9012. (a) Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of State for fiscal year 1999 for the United States Information Agency or the United States Agency for International Development may be used for the purpose of providing travel expenses and per diem for the participation in conferences, exchanges, programs, and activities of the following nationals of the People's Republic of China:

(1) The head or political secretary of any of the following Chinese Government-created or approved organizations:

(A) The Chinese Buddhist Association.

(B) The Chinese Catholic Patriotic Association.

(C) The National Congress of Catholic Representatives.

(D) The Chinese Catholic Bishops' Conference.

(E) The Chinese Protestant "Three Self" Patriotic Movement.

(F) The China Christian Council.

(G) The Chinese Taoist Association.

(H) The Chinese Islamic Association.

(2) Any military or civilian official or employee of the Government of the People's Republic of China who carried out or directed the carrying out of any of the following policies or practices:

(A) Formulating, drafting, or implementing repressive religious policies.

(B) Imprisoning, detaining, or harassing individuals on religious grounds.

(C) Promoting or participating in policies or practices which hinder religious activities or the free expression of religious beliefs.

(b)(1) Each Federal agency subject to the prohibition in subsection (a) shall certify in writing to the appropriate congressional committees, on a quarterly basis during fiscal year 1999, that it did not pay, either directly or through a contractor or grantee, for travel expenses or per diem of any national of the People's Republic of China described in subsection (a).

(2) Each certification under paragraph (1) shall be supported by the following information:

(A) The name of each employee of any agency of the Government of the People's Republic of China whose travel expenses or per diem were paid by funds of the reporting agency of the United States Government.

(B) The procedures employed by the reporting agency of the United States Government to ascertain whether each individual under subparagraph (A) did or did not participate in activities described in subsection (a)(2).

(C) The reporting agency's basis for concluding that each individual under subparagraph (A) did not participate in such activities.

SEC. 9013. (a) Notwithstanding any other provision of law, the Secretary of State may not utilize any funds appropriated or otherwise available for the Department of State for fiscal year 1999 to issue a visa to any national of the People's Republic of China described in section 9012(a)(2) (except the head of state, the head of government, and cabinet level ministers).

(b) Notwithstanding any other provision of law, the Attorney General may not utilize any funds appropriated or otherwise available for the Department of Justice for fiscal year 1999 to admit to the United States any national covered by subsection (a).

(c) The President may waive the prohibition in subsection (a) or (b) with respect to an individual described in such subsection if the President—

(1) determines that it is vital to the national interest to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

SEC. 9014. In this subtitle, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

Subtitle C—Monitoring of Human Rights Abuses in China

SEC. 9021. This subtitle may be cited as the "Political Freedom in China Act of 1998".

SEC. 9022. Congress makes the following findings:

(1) Congress concurs in the following conclusions of the United States State Department on human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is "an authoritarian state" in which "citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government".

(B) The Government of the People's Republic of China has "continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms".

(C) "[a]buses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention".

(D) "[p]rison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights".

(E) "[a]lthough the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state', or for peaceful political or religious activities are believed to number in the thousands".

(F) "[n]onapproved religious groups, including Protestant and Catholic groups * * * experienced intensified repression".

(G) "[s]erious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia[and] [c]ontrols on religion and on other fundamental freedoms in these areas have also intensified".

(H) "[o]verall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end."

(2) In addition to the State Department, credible independent human rights organizations have documented an increase in repression in China during 1995, and effective destruction of the dissident movement through the arrest and sentencing of the few remaining pro-democracy and human rights activists not already in prison or exile.

(3) Among those were Li Hai, sentenced to 9 years in prison on December 18, 1996, for gathering information on the victims of the 1989 crackdown, which according to the court's verdict constituted "state secrets"; Liu Nianchun, an independent labor organizer, sentenced to 3 years of "re-education through labor" on July 4, 1996, due to his activities in connection with a petition campaign calling for human rights reforms; and Ngodrup Phuntsog, a Tibetan national, who was arrested in Tibet in 1987 immediately after he returned from a 2-year trip to India, where the Tibetan government in exile is located, and following a secret trial was convicted by the Government of the People's Republic of China of espionage on behalf of the "Ministry of Security of the Dalai clique".

(4) Many political prisoners are suffering from poor conditions and ill-treatment leading to serious medical and health problems, including—

(A) Gao Yu, a journalist sentenced to 6 years in prison in November 1994 and honored by UNESCO in May 1997, has a heart condition; and

(B) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt.

(5) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(6) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 9023. (a) The Secretary of State, in all official meetings with the Government of the People's Republic of China, should request the immediate and unconditional release of Ngodrup Phuntsog and other prisoners of conscience in Tibet, as well as in the People's Republic of China.

(b) The Secretary of State should seek access for international humanitarian organizations to Draphchi prison and other prisons in Tibet, as well as in the People's Republic of China, to ensure that prisoners are not being mistreated and are receiving necessary medical treatment.

(c) The Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

SEC. 9024. (a) There is authorized to be appropriated for fiscal year 1999, \$1,100,000 for support personnel to monitor political repression in the People's Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong.

(b) Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are in addition to any other amounts appropriated or otherwise available in fiscal year 1999 for the personnel referred to in that subsection.

SEC. 9025. (a)(1) There is authorized to be appropriated for fiscal year 1999 for the National Endowment for Democracy, \$2,500,000 for the promotion of democracy, civil society, and the development of the rule of law in China.

(2) Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are in addition to any other amounts appropriated or otherwise made available in fiscal year 1999 for the National Endowment for Democracy.

(b) The Secretary of State shall, in fiscal year 1999, utilize funds available in the East Asia-Pacific Regional Democracy Fund to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. 9026. (a) The Secretary of State shall utilize funds appropriated or otherwise available for the Department of State for fiscal year 1999 submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate, in that fiscal year, a report on human rights in China, including religious persecution, the development of democratic institutions, and the rule of law. The report shall provide information on each region of China.

(b)(1) The Secretary of State shall utilize funds referred to in subsection (a) to establish a Prisoner Information Registry for China which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith in China.

(2) Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners in China.

(3) The Secretary may make funds available to nongovernmental organizations presently engaged in monitoring activities regarding Chinese political prisoners to assist in the creation and maintenance of the registry.

SEC. 9027. It is the sense of Congress that Congress, the President, and the Secretary of State should work with the governments of other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. 9028. It is the sense of Congress that—

(1) the people of Hong Kong should continue to have the right and ability to freely elect their legislative representatives; and

(2) the procedure for the conduct of the elections of the first legislature of the Hong Kong Special Administrative Region should be determined by the people of Hong Kong through an election law convention, a referendum, or both.

SEC. 9029. It is the sense of Congress that—

(1) the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes;

(2) the Government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice;

(3) the President should bar from entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice;

(4) individuals determined to be participating in or otherwise facilitating the sale of such organs in the United States should be prosecuted to the fullest possible extent of the law; and

(5) the appropriate officials in the United States should interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

KERREY (AND HAGEL) AMENDMENT NO. 3219

(Ordered to lie on the table.)

Mr. KERREY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by them to the bill, H.R. 4112, supra; as follows:

On page 49, between lines 12 and 13, insert the following:

SEC. 423. TEMPORARY PROHIBITION ON IMPLEMENTATION OR ENFORCEMENT OF PUBLIC WATER SYSTEM TREATMENT REQUIREMENTS FOR COPPER ACTION LEVEL.

(a) IN GENERAL.—None of the funds made available by this or any other Act for any fiscal year may be used by the Administrator of the Environmental Protection Agency to implement or enforce the national primary

drinking water regulations for lead and copper in drinking water promulgated under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), to the extent that the regulations pertain to the public water system treatment requirements related to the copper action level, until—

(1) the Administrator and the Director of the Centers for Disease Control and Prevention jointly conduct a study to establish a reliable dose-response relationship for the adverse human health effects that may result from exposure to copper in drinking water, that—

(A) includes an analysis of the health effects that may be experienced by groups within the general population (including infants) that are potentially at greater risk of adverse health effects as the result of the exposure;

(B) is conducted in consultation with interested States;

(C) is based on the best available science and supporting studies that are subject to peer review and conducted in accordance with sound and objective scientific practices; and

(D) is completed not later than 30 months after the date of enactment of this Act; and

(2) based on the results of the study and, once peer reviewed and published, the 2 studies of copper in drinking water conducted by the Centers for Disease Control and Prevention in the State of Nebraska and the State of Delaware, the Administrator establishes an action level for the presence of copper in drinking water that protects the public health against reasonably expected adverse effects due to exposure to copper in drinking water.

(b) CURRENT REQUIREMENTS.—Nothing in this section precludes a State from implementing or enforcing the national primary drinking water regulations for lead and copper in drinking water promulgated under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) that are in effect on the date of enactment of this Act, to the extent that the regulations pertain to the public water system treatment requirements related to the copper action level.

BENNETT (AND DORGAN) AMENDMENT NO. 3220

Mr. STEVENS (for Mr. BENNETT for himself and Mr. DORGAN) proposed an amendment to the bill, H.R. 4112, supra; as follows:

On page 10, strike all starting on line 8 over to and including line 22 on page 47 and insert in lieu thereof:

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$10,000; the President Pro Tempore of the Senate, \$10,000; Majority Leader of the Senate, \$10,000; Minority Leader of the Senate, \$10,000; Majority Whip of the Senate, \$5,000; Minority Whip of the Senate, \$5,000; and Chairmen of the Majority and Minority Conference Committees, \$3,000 for each Chairman; in all, \$56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$79,183,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$1,659,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$402,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$2,436,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$1,416,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,092,000 for each such committee; in all, \$2,184,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$570,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,109,000 for each such committee; in all, \$2,218,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$267,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$13,694,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$33,805,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,200,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$19,332,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$3,753,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,004,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$3,000; Sergeant at Arms and Doorkeeper of the Senate, \$3,000; Secretary for the Majority of the Senate, \$3,000; Secretary for the Minority of the Senate, \$3,000; in all, \$12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, \$75,600,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$1,511,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$60,511,000, of which \$5,000,000 shall remain available until September 30, 2000.

MISCELLANEOUS ITEMS

For miscellaneous items, \$7,905,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$239,156,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) Effective in the case of any fiscal year which begins on or after October 1, 1998, clause (iii) of paragraph (3)(A) of section 506(b) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to read as follows:

"(iii) subject to subparagraph (B), in case the Senator represents Alabama, \$183,565, Alaska, \$252,505, Arizona, \$197,409, Arkansas, \$168,535, California, \$470,272, Colorado, \$187,366, Connecticut, \$161,691, Delaware, \$127,384, Florida, \$263,748, Georgia, \$211,784, Hawaii, \$279,648, Idaho, \$163,841, Illinois, \$267,000, Indiana, \$195,391, Iowa, \$171,340, Kansas, \$168,912, Kentucky, \$176,975, Louisiana, \$186,714, Maine, \$148,205, Maryland, \$172,455, Massachusetts, \$196,819, Michigan, \$235,846, Minnesota, \$187,742, Mississippi, \$168,587, Missouri, \$198,365, Montana, \$161,857, Nebraska, \$160,550, Nevada, \$171,208, New Hampshire, \$142,497, New Jersey, \$207,754, New Mexico, \$166,721, New York, \$328,586, North Carolina, \$212,711, North Dakota, \$150,225, Ohio, \$262,252, Oklahoma, \$181,913, Oregon, \$189,258, Pennsylvania, \$267,240, Rhode Island, \$138,637, South Carolina, \$171,731, South Dakota, \$151,838, Tennessee, \$192,508, Texas, \$353,911, Utah, \$168,959, Vermont, \$136,315, Virginia, \$193,935, Washington, \$213,887, West Virginia, \$149,135, Wisconsin, \$191,314, Wyoming, \$153,016, plus".

(b) Subparagraph (B) of section 506(b)(3) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)) is amended—

(1) by striking "the amount referred to in subparagraph (A)(iii)" and inserting "that part of the amount referred to in subparagraph (A)(iii) that is not specifically allocated for official mail expenses"; and

(2) by inserting before the period at the end the following: "; and the part of the amount referred to in subparagraph (A)(iii) that is allocated for official mail expenses shall be recalculated in accordance with regulations of the Committee on Rules and Administration".

SEC. 2. (a) Section 2(b) of Public Law 104-53 (2 U.S.C. 61d-3(b)) is amended by striking "\$10,000" and inserting "\$35,000".

(b) The amendment made by subsection (a) is effective on and after October 1, 1998.

SEC. 3. Subsection (a) of the first section of Senate Resolution 149, agreed to October 5, 1993 (103d Congress, 1st Session), as amended by Senate Resolution 299, agreed to September 24, 1996 (104th Congress, 2d Session), is amended by striking "until December 31, 1998" and inserting "until December 31, 2000".

SEC. 4. (a) Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) is amended—

(1) by inserting after the first sentence the following: "The President pro tempore of the Senate is authorized to appoint and fix the compensation of 1 consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this subsection."; and

(2) in the sentence that begins "The provisions of", by striking "section 8344" and inserting "sections 8344 and 8468".

(b) Section 101(b) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(b)) is amended by striking all after "(b)" through "to such position" and inserting "Any or all appointments under this section may be".

(c) This section is effective on and after the date of enactment of this Act.

SEC. 5. (a) There is established the Senate Leader's Lecture Series (hereinafter referred to as the "lecture series"). Expenses incurred in connection with the lecture series shall be paid from the appropriations account "Secretary of the Senate" within the contingent fund of the Senate and shall not exceed \$30,000 in any fiscal year.

(b) Payments for expenses in connection with the lecture series may cover expenses incurred by speakers, including travel, subsistence, and per diem, and the cost of receptions, including food, food related items, and hospitality.

(c) Payments for expenses of the lecture series shall be made on vouchers approved by the Secretary of the Senate.

(d) This section is effective on and after October 1, 1997.

SEC. 6. (a) The Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint and fix the compensation of such employees as may be necessary to operate Senate Hair Care Services.

(b) There is established in the Treasury of the United States within the contingent fund of the Senate a revolving fund to be known as the Senate Hair Care Services Revolving Fund (hereafter in this section referred to as the "revolving fund").

(c)(1) All moneys received by Senate Hair Care Services from fees for services or from any other source shall be deposited in the revolving fund.

(2) Moneys in the revolving fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate—

(A) for the payment of salaries and agency contributions of employees of Senate Hair Care Services; and

(B) for necessary supplies, equipment, and other expenses of Senate Hair Care Services.

(d) Disbursements from the revolving fund shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate, except that vouchers shall not be required for the disbursement of salaries paid at an annual rate.

(e) At the direction of the Committee on Rules and Administration, the Secretary of the Senate shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Committee may determine are in excess of the current and reasonably foreseeable needs of Senate Hair Care Services.

(f) The Sergeant at Arms and Doorkeeper of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section, subject to the approval of the Committee on Rules and Administration.

(g) There is transferred to the revolving fund established by this section any unobligated balance in the fund established by section 106 of Public Law 94-440 on the effective date of this section.

(h)(1) Section 106 of Public Law 94-440 is repealed.

(2) Section 10(a) of Public Law 100-458 is repealed.

(i) This section shall be effective on and after October 1, 1998, or 30 days after the date of enactment of this Act, whichever is later.

SEC. 7. The amount available to the Committee on Rules and Administration for expenses under section 16(c) of Senate Resolution 54, agreed to February 13, 1997, is increased by \$150,000.

SEC. 8. Effective on and after October 1, 1998, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as increased by section 5 of Public Law 105-55, increased by an additional \$50,000 each.

SEC. 9. (a) With the prior written approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate may enter into agreements with public or private parties for the purpose of demonstrating the use of alternative fuel vehicles (as defined in section 301(2) of the Energy Policy Act of 1992 (Public Law 102-486)) in Senate fleet operations. Any such agreement may also provide for necessary fueling infrastructure in connection with the alternative fuel vehicles.

(b) A vehicle may be made available under subsection (a) for a period not exceeding 90 days.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$2,796,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$202,000, to be disbursed by the Secretary of the Senate: *Provided*, That funds appropriated under this heading may not be available for expenditure for expenses incurred after December 31, 1998.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$5,965,400, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$500 per month each to two medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$500 per month to one assistant and \$400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistants; and (4) \$893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$1,415,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than \$600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$74,281,000, of which \$35,770,000 is provided to the Sergeant at Arms of the House of Representatives, to be

disbursed by the Chief Administrative Officer of the House, and \$38,511,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than \$2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and \$85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, \$6,077,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1999 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 101. Amounts appropriated for fiscal year 1999 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$2,195,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than forty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the

chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$2,286,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not more than \$2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$25,671,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed \$20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$44,641,000, of which \$8,175,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$6,055,000, of which \$525,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$53,644,000, of which \$14,115,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$42,139,000, of which \$11,449,000 shall remain available until expended: *Provided*, That of the total amount provided under this heading, not less than \$100,000 shall be used exclusively for waste recycling programs.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and

Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$38,222,000, of which \$5,100,000 shall remain available until expended: *Provided*, That not more than \$4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1999.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$67,877,483: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semi-monthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$75,500,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That none of the funds appropriated or made available under this Act may be expended for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, unless such printing and binding and related services are provided during fiscal year 1999 and the billing of such printing and binding and related services occurs not later than December 31, 2000.

This title may be cited as the "Congressional Operations Appropriations Act, 1999".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$3,180,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$239,176,542, of which not more than \$6,500,000 shall be derived from collections credited to this appropriation during fiscal year 1999, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,500,000: *Provided further*, That of the total amount appropriated, \$10,119,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, \$3,544,000 is to remain available until expended for the acquisition and partial support for implementation of an integrated library system (ILS): *Provided further*, That of the total amount appropriated, \$2,000,000 is to remain available until expended for a project to digitize collections for the Meeting of the Frontiers United States-Russian digital library: *Provided further*, That of the total amount appropriated, \$250,000 is to remain available until expended for the Library's efforts in connection with the commemoration of the Bicentennial of the Lewis and Clark expedition.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$35,269,000, of which not more than \$16,000,000 shall be derived from collections credited to this appropriation during fiscal year 1999 under 17 U.S.C. 708(d), and not more than \$5,170,000 shall be derived from collections during fiscal year 1999 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$21,170,000: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$46,895,000, of which \$13,744,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, \$4,458,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than \$194,290, of which \$58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1999, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$99,765,100.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and

operation of the Library buildings and grounds, \$12,566,000, of which \$910,000 shall remain available until expended.

ADMINISTRATIVE PROVISION

SEC. 207. For fiscal year 1999, the amounts available for expenditure to the Architect of the Capitol pursuant to Section 4 of Public Law 105-144, approved December 15, 1997, may not exceed \$2,500,000.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$29,600,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed \$150,000: *Provided further*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1997 and 1998 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than \$2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,350 workyears: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed \$75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than \$7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or inter-

mittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; \$363,298,000: *Provided*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than \$2,000,000 of such funds shall be available for use in fiscal year 1999: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1999 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting serv-

ice through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 306. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$1,500.

SEC. 307. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "1998" and inserting "1999".

SEC. 308. The Government Printing Office shall be considered an agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the Public Printer shall be considered the head of the agency for purposes of subsection (b)(2)(C) of such section.

SEC. 309. Section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended to read as follows:

"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Center to carry out this Act such sums as may be necessary for each fiscal year."

SEC. 310. That \$3,110,611 shall be transferred from the Employees' Compensation Fund established under section 8147 of title 5, United States Code, to the Government Printing Office revolving fund as reimbursement for costs improperly transferred from the revolving fund pursuant to section 8147(c) of such title: *Provided*, That for purposes of section 8147 of title 5, United States Code, the Government Printing Office is not considered an agency which is required by statute to submit an annual budget pursuant to or as provided by chapter 91 of title 31, United States Code, and is not required to pay an additional amount for the cost of administration.

TITLE IV—TRADE DEFICIT REVIEW COMMISSION

SEC. 401. SHORT TITLE. This title may be cited as the "Trade Deficit Review Commission Act".

SEC. 402. FINDINGS. Congress makes the following findings:

(1) The United States continues to run substantial merchandise trade and current account deficits.

(2) Economic forecasts anticipate continued growth in such deficits in the next few years.

(3) The positive net international asset position that the United States built up over many years was eliminated in the 1980s. The United States today has become the world's largest debtor nation.

(4) The United States merchandise trade deficit is characterized by large bilateral trade imbalances with a handful of countries.

(5) The United States has one of the most open borders and economies in the world. The United States faces significant tariff and nontariff trade barriers with its trading partners. Current overall trade balances do

not reflect the actual competitiveness or productivity of the United States economy.

(6) Since the last comprehensive review of national trade and investment policies was conducted by a Presidential commission in 1970, there have been massive worldwide economic and political changes which have profoundly affected world trading relationships. Globalization, the increased mobility of capital and technology, the role of transnational corporations, and the outsourcing of production across national boundaries, are reshaping both the comparative and competitive trade advantages among nations.

(7) The United States is once again at a critical juncture in trade policy development. The nature of the United States trade deficit and its causes and consequences must be analyzed and documented.

SEC. 403. ESTABLISHMENT OF COMMISSION.
(a) ESTABLISHMENT.—There is established a commission to be known as the Trade Deficit Review Commission (hereafter in this title referred to as the "Commission").

(b) PURPOSE.—The purpose of the Commission is to study the causes and consequences of the United States merchandise trade and current account deficits and to develop trade policy recommendations for the 21st century. The recommendations shall include strategies necessary to achieve United States market access to foreign markets that fully reflects the competitiveness and productivity of the United States and also improves the standard of living of United States citizens.

(c) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members of whom—

(A) 1 Senator and 2 other persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate;

(B) 1 Senator and 2 other persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate;

(C) 1 Member of the House of Representatives and 2 other persons shall be appointed by the Speaker of the House of Representatives; and

(D) 1 Member of the House of Representatives and 2 other persons shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS OF MEMBERS.—

(A) APPOINTMENTS.—Persons who are appointed under paragraph (1), other than a person who is a Senator or Member of the House of Representatives, shall be persons who—

(i) have expertise in economics, international trade, manufacturing, labor, environment, business, or have other pertinent qualifications or experience; and

(ii) are not officers or employees of the United States.

(B) OTHER CONSIDERATIONS.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and consequences of United States merchandise trade and current account deficits.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of

the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

SEC. 404. DUTIES OF THE COMMISSION. (a) IN GENERAL.—The Commission shall be responsible for developing trade policy recommendations, by examining the economic, trade, tax, and investment policies and laws, and other incentives and restrictions that are relevant to addressing the causes and consequences of the United States merchandise trade and current account deficits.

(b) RECOMMENDATIONS.—The Commission shall examine and make recommendations to Congress and the President on the following:

(1) The manner in which the Government of the United States establishes and administers the Nation's fundamental trade policies and objectives, including—

(A) the relationship of the merchandise trade and current account balances to the overall well-being of the United States economy and any impact the trade balance may have on wages and employment in various sectors of the United States economy;

(B) any effects the merchandise trade and current account deficits may have on the areas of manufacturing and technology and on defense production and innovation capabilities of the United States;

(C) the impact that United States monetary and fiscal policies may have on United States merchandise trade and current account deficits; and

(D) the coordination, allocation, and accountability of trade responsibilities among Federal agencies and the means for congressional oversight of the trade policy process.

(2) The causes and consequences of the merchandise trade and current account deficits and specific bilateral trade deficits, including—

(A) identification and quantification of the macroeconomic factors and bilateral trade barriers contributing to the United States merchandise trade and current account deficits;

(B) identification and quantification of any impact of the merchandise trade and current account deficits on the domestic economy, industrial base, manufacturing capacity, number and quality of jobs, productivity, wages, and the United States standard of living;

(C) identification and quantification of trade deficits within individual industrial, manufacturing, and production sectors, and any relationship to intraindustry and intracompany transactions;

(D) a review of the adequacy of the current collection and reporting of import and export data, and the identification and development of additional data bases and economic measurements that may be needed to properly quantify the factors described in subparagraphs (A), (B), and (C);

(E) the relationship that tariff and non-tariff barriers may have to the merchandise trade and current account deficits and the extent to which such deficits have become structural;

(F) the extent to which there is reciprocal market access substantially equivalent to that afforded by the United States in each country with which the United States has a persistent and substantial bilateral trade deficit; and

(G) the impact of transshipments on bilateral trade.

(3) Any relationship of United States merchandise trade and current account deficits to both comparative and competitive trade advantages within the global economy, including—

(A) a systematic analysis of the United States trade patterns with different trading partners, to what extent the trade patterns are based on comparative and competitive trade advantages, and how the trade advantages relate to the goods that are exported to and imported from various trading partners;

(B) the extent to which the increased mobility of capital and technology has changed both comparative and competitive trade advantages;

(C) the extent to which differences in the growth rates of the United States and its trading partners may impact on United States merchandise trade and current account deficits;

(D) any impact that labor, environmental, or health and safety standards may have on world trade;

(E) the impact that currency exchange rate fluctuations and any manipulation of exchange rates may have on United States merchandise trade and current account deficits;

(F) the effect that offset and technology transfer agreements have on the long-term competitiveness of the United States manufacturing sectors; and

(G) any effect that international trade, labor, environmental, or other agreements may have on United States competitiveness.

(4) The flow of investments both into and out of the United States, including—

(A) any consequences for the United States economy of the current status of the United States as a debtor nation;

(B) any relationship between such investments and the United States merchandise trade and current account deficits and living standards of United States workers;

(C) any impact such investments may have on United States labor, community, environmental, and health and safety standards, and how such investment flows influence the location of manufacturing facilities; and

(D) the effect of barriers to United States foreign direct investment in developed and developing nations, particularly nations with which the United States has a merchandise trade and current account deficit.

SEC. 405. FINAL REPORT; CONGRESSIONAL HEARINGS. (a) FINAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the President and Congress a final report which contains—

(A) the findings and conclusions of the Commission described in section 404;

(B) recommendations for addressing the problems identified as part of the Commission's analysis; and

(C) any proposals for administrative and legislative actions necessary to implement such recommendations.

(2) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

(b) CONGRESSIONAL HEARINGS.—Not later than 6 months after the final report described in subsection (a) is submitted, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall hold hearings on the report. Other committees of the House of Representatives and Senate with relevant jurisdiction may also hold hearings on the report.

SEC. 406. POWERS OF COMMISSION. (a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different regions of the United States.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 407. COMMISSION PERSONNEL MATTERS. (a) **COMPENSATION OF MEMBERS.**—

(1) **IN GENERAL.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **OFFICER AND EMPLOYEE OF THE UNITED STATES.**—For purposes of this section, a member of the Commission who is a Senator or a member of the House of Representatives shall be treated as an officer or employee of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) **COMPENSATION.**—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent

of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 408. SUPPORT SERVICES. The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 409. APPROPRIATIONS. There are appropriated \$2,000,000 to the Commission to carry out the provisions of this title.

BENNETT (AND DORGAN) AMENDMENT NO. 3221

Mr. STEVENS (for Mr. BENNETT for himself and Mr. DORGAN) proposed an amendment to amendment no. 3220 proposed by Mr. BENNETT to the bill, H.R. 4112, *supra*; as follows:

On page 14, line 24, strike "\$6,077,000" and insert "\$6,297,000".

BENNETT (AND DORGAN) AMENDMENT NO. 3222

Mr. STEVENS (for Mr. BENNETT for himself and Mr. DORGAN) proposed an amendment to amendment No. 3220 proposed by Mr. BENNETT to the bill, H.R. 4112, *supra*; as follows:

On page 2, line 9, strike "\$79,183,000" and insert "\$87,233,000".

On page 2, between lines 21 and 22, insert the following:

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$6,050,000.

On page 3, line 25, strike "\$19,332,000" and insert "\$21,332,000".

On page 4, line 22, strike \$75,600,000" and insert "\$66,800,000".

On page 5, line 10, strike "\$7,905,000" and insert "\$8,655,000".

On page 12, between lines 2 and 3, insert the following:

SEC. 10. (a) The Committee on Appropriations is authorized in its discretion—

(1) to hold hearings, report such hearings, and make investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate;

(2) to make expenditures from the contingent fund of the Senate;

(3) to employ personnel;

(4) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency;

(5) to procure the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 and Senate Resolution 140, agreed to May 14, 1975); and

(6) to provide for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(b) Senate Resolution 54, agreed to February 13, 1997, is amended by striking section 4.

(c) This section shall be effective on and after October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 11. (a) (1) The Chairman of the Appropriations Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Appropriations Committee of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committee.

(2) The Chairman of the Appropriations Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Appropriations Committee of the Senate, to the account from which salaries are payable for such committee.

(b) Any funds transferred under this section shall be—

(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

(c) This section shall take effect on October 1, 1998, and shall be effective with respect to fiscal years beginning on or after that date.

BENNETT (AND DORGAN) AMENDMENT NO. 3223

Mr. STEVENS (for Mr. BENNETT for himself and Mr. DORGAN) proposed an amendment to amendment No. 3220 proposed by Mr. BENNETT to the bill, H.R. 4112, *supra*; as follows:

On page 35, line 8, strike all through line 9 on page 49 and insert the following:

TITLE IV—TRADE DEFICIT REVIEW COMMISSION

SEC. 401. SHORT TITLE.

This title may be cited as the "Trade Deficit Review Commission Act".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) The United States continues to run substantial merchandise trade and current account deficits.

(2) Economic forecasts anticipate continued growth in such deficits in the next few years.

(3) The positive net international asset position that the United States built up over many years was eliminated in the 1980s. The United States today has become the world's largest debtor nation.

(4) The United States merchandise trade deficit is characterized by large bilateral trade imbalances with a handful of countries.

(5) The United States has one of the most open borders and economies in the world. The United States faces significant tariff and nontariff trade barriers with its trading partners. The United States does not benefit from fully reciprocal market access.

(6) The United States is once again at a critical juncture in trade policy development. The nature of the United States trade deficit and its causes and consequences must be analyzed and documented.

SEC. 403. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the Trade Deficit Review Commission (hereafter in this title referred to as the "Commission").

(b) **PURPOSE.**—The purpose of the Commission is to study the nature, causes, and consequences of the United States merchandise trade and current account deficits.

(c) **MEMBERSHIP OF COMMISSION.**—

(1) **COMPOSITION.**—The Commission shall be composed of 12 members as follows:

(A) Three persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate, after consultation with the Chairman of the Committee on Finance.

(B) Three persons shall be appointed by the President pro tempore of the Senate upon

the recommendation of the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Finance.

(C) Three persons shall be appointed by the Speaker of the House of Representatives, after consultation with the Chairman of the Committee on Ways and Means.

(D) Three persons shall be appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Ways and Means.

(2) QUALIFICATIONS OF MEMBERS.—

(A) APPOINTMENTS.—Persons who are appointed under paragraph (1) shall be persons who—

(i) have expertise in economics, international trade, manufacturing, labor, environment, business, or have other pertinent qualifications or experience; and

(ii) are not officers or employees of the United States.

(B) OTHER CONSIDERATIONS.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and consequences of United States merchandise trade and current account deficits.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

SEC. 404. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for examining the nature, causes, and consequences of, and the accuracy of available data on, the United States merchandise trade and current account deficits.

(b) ISSUES TO BE ADDRESSED.—The Commission shall examine and report to the President, the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and other appropriate committees of Congress on the following:

(1) The relationship of the merchandise trade and current account balances to the overall well-being of the United States economy, and to wages and employment in various sectors of the United States economy.

(2) The impact that United States monetary and fiscal policies may have on United States merchandise trade and current account deficits.

(3) The extent to which the coordination, allocation, and accountability of trade responsibilities among Federal agencies may contribute to the trade and current account deficits.

(4) The causes and consequences of the merchandise trade and current account defi-

cits and specific bilateral trade deficits, including—

(A) identification and quantification of—

(i) the macroeconomic factors and bilateral trade barriers that may contribute to the United States merchandise trade and current account deficits;

(ii) any impact of the merchandise trade and current account deficits on the domestic economy, industrial base, manufacturing capacity, technology, number and quality of jobs, productivity, wages, and the United States standard of living;

(iii) any impact of the merchandise trade and current account deficits on the defense production and innovation capabilities of the United States; and

(iv) trade deficits within individual industrial, manufacturing, and production sectors, and any relationship between such deficits and the increasing volume of intra-industry and intra-company transactions;

(B) a review of the adequacy and accuracy of the current collection and reporting of import and export data, and the identification and development of additional data bases and economic measurements that may be needed to properly quantify the merchandise trade and current account balances, and any impact the merchandise trade and current account balances may have on the United States economy; and

(C) the extent to which there is reciprocal market access substantially equivalent to that afforded by the United States in each country with which the United States has a persistent and substantial bilateral trade deficit, and the extent to which such deficits have become structural.

(5) Any relationship of United States merchandise trade and current account deficits to both comparative and competitive trade advantages within the global economy, including—

(A) a systematic analysis of the United States trade patterns with different trading partners and to what extent the trade patterns are based on comparative and competitive trade advantages;

(B) the extent to which the increased mobility of capital and technology has changed both comparative and competitive trade advantages;

(C) any impact that labor, environmental, or health and safety standards may have on comparative and competitive trade advantages;

(D) the effect that offset and technology transfer agreements have on the long-term competitiveness of the United States manufacturing sectors; and

(E) any effect that international trade, labor, environmental, or other agreements may have on United States competitiveness.

(6) The extent to which differences in the growth rates of the United States and its trading partners may impact on United States merchandise trade and current account deficits.

(7) The impact that currency exchange rate fluctuations and any manipulation of exchange rates may have on United States merchandise trade and current account deficits.

(8) The flow of investments both into and out of the United States, including—

(A) any consequences for the United States economy of the current status of the United States as a debtor nation;

(B) any relationship between such investment flows and the United States merchandise trade and current account deficits and living standards of United States workers;

(C) any impact such investment flows may have on United States labor, community, environmental, and health and safety standards, and how such investment flows influ-

ence the location of manufacturing facilities; and

(D) the effect of barriers to United States foreign direct investment in developed and developing nations, particularly nations with which the United States has a merchandise trade and current account deficit.

SEC. 405. FINAL REPORT.

(a) IN GENERAL.—Not later than 12 months after the date of the initial meeting of the Commission, the Commission shall submit to the President and Congress a final report which contains—

(1) the findings and conclusions of the Commission described in section 404; and

(2) recommendations for addressing the problems identified as part of the Commission's analysis.

(b) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 407. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be

detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 408. SUPPORT SERVICES.

The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 409. APPROPRIATIONS.

There are appropriated \$2,000,000 to the Commission to carry out the provisions of this title.

THOMAS (AND BROWNBACK) AMENDMENT NO. 3224

Mr. STEVENS (for Mr. THOMAS, for himself and Mr. BROWNBACK) proposed an amendment to the bill, H.R. 4112, *supra*; as follows:

At the appropriate place at the end of the bill, insert:

SEC. 311. (a) This section applies to the following officials:

- (1) The Architect of the Capitol.
- (2) The Secretary of the Senate.
- (3) The Sergeant at Arms and Doorkeeper of the Senate.
- (4) The Public Printer.
- (5) The Director, and the Executive Director, of the United States Botanic Garden.
- (b)(1) Not later than March 30, 1999, each official named in subsection (a) shall submit to Congress a list of each activity that—
- (A) is to be performed by or for the official in fiscal year 2000;
- (B) is not an inherently governmental function; and
- (C) is—
- (i) performed by a Federal Government source on September 30, 1998; or
- (ii) initiated after that date, if one or more Federal Government sources are to be considered for selection as the source to perform the activity.
- (2) Each list shall include (for each activity listed)—

(A) the number of full-time employees (or its equivalent) that would be necessary for the performance of the activity by a Federal Government source; and

(B) the name of a Federal Government employee responsible for the activity from whom additional information about the activity may be obtained.

(c) An activity is not required to be included on an official's list under subsection (b) if the activity, as determined by the official—

(1) is to be performed as a Federal Government response to a national emergency declared by the President or Congress;

(2) is to be performed for the official by a private sector source pursuant to a contract or other agreement entered into by the head of another department or agency of the Federal Government; or

(3) is the provision of items that should be produced, manufactured, or provided, or services that should be provided, by a Federal Government source for reasons of national security (including reasons relating to the acquisition, processing, or analysis of in-

telligence in the national security interests of the United States).

(d) In this section:

(1) The term "Federal Government source", with respect to performance of an activity, means any organization within the Federal Government that uses Federal Government employees to perform the activity.

(2)(A) The term "inherently governmental function" means a function that is so intimately related to the public interest as to require performance by Federal Government employees.

(B) The term includes activities that require either the exercise of discretion in applying Federal Government authority or the making of value judgments in making decisions for the Federal Government, including judgments relating to monetary transactions and entitlements. An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as—

(i) to bind the United States to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

(ii) to determine, protect, and advance United States economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;

(iii) to significantly affect the life, liberty, or property of private persons;

(iv) to commission, appoint, direct, or control officers or employees of the United States; or

(v) to exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the collection, control, or disbursement of appropriated and other Federal funds.

(C) The term does not normally include—

(i) gathering information for or providing advice, opinions, recommendations, or ideas to Federal Government officials; or

(ii) any function that is primarily ministerial and internal in nature (such as building security, mail operations, operation of cafeterias, housekeeping, facilities operations and maintenance, warehouse operations, motor vehicle fleet management operations, or other routine electrical or mechanical services).

(3) The term "private sector source", with respect to the operation of a facility owned by the Federal Government, includes a contractor that is operating, or is to operate, the facility.

MCCAIN (AND OTHERS) AMENDMENT NO. 3225

Mr. MCCAIN (for himself, Mr. COATS, Mr. LEAHY, Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. KERREY, Mr. ENZI, Mr. WYDEN, Mr. FEINGOLD, Mr. ABRAHAM, and Mr. ROBB) proposed an amendment to the bill, H.R. 4112, *supra*, as follows:

At the appropriate place, insert the following:

SEC. . AVAILABILITY OF CERTAIN CRS WEB SITE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Director of the Congressional Research Service shall make available on the Internet, for purposes of access and retrieval by the public, all information that—

(A) is available through the Congressional Research Service web site;

(B) is described in paragraph (2); and

(C) is not confidential as determined by—

(i) the Director; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service.

(2) INFORMATION.—The information referred to in paragraph (1)(B) is as follows:

(A) All Congressional Research Service Issue Briefs.

(B) All Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service web site.

(C) All Congressional Research Service Authorization of Appropriations Products or Appropriations Products.

(3) REMOVAL OF INFORMATION; CHANGES AND UPDATES.—Notwithstanding any other provision of this section, the Director of the Congressional Research Service may—

(A) remove from the information required to be made available on the Internet under this section the name of, phone number of, and information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available on the Internet under this section, any material the Director determines may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes or updates in the information required to be made available on the Internet under this section that the Director determines are necessary to ensure that the information is accurate.

(b) TIME.—The information shall be so made available not earlier than 30 days after the first day the information is available to Members of Congress through the Congressional Research Service web site.

(c) REQUIREMENTS.—The Director of the Congressional Research Service shall make the information available in a manner that the Director determines—

(1) is practical and reasonable; and

(2) does not permit the submission of comments from the public.

(d) METHOD OF PUBLIC ACCESS.—The public shall have access to the web page containing Congressional Research Service information that is available to the public only through the Library of Congress' THOMAS web page (<http://thomas.loc.gov>). The Director of Congressional Research Service shall work with the Librarian of Congress to establish an appropriate Internet link to carry out this subsection. The Director of Congressional Research Service shall be responsible for maintaining and updating the web page containing Congressional Research Service products. The Director of Congressional Research Service shall have sole discretion to edit the web page based on the criteria established by this Act. The Librarian of Congress shall have the responsibility of working with the Director of Congressional Research Service only to the extent necessary to establish the link from the THOMAS web page to the public access Congressional Research Service web page. Nothing in this Act may be construed to interfere with the Librarian's normal duties concerning THOMAS.

(e) FURTHER APPROVAL NOT REQUIRED.—Notwithstanding the first proviso under the subheading "SALARIES AND EXPENSES" under the subheading "CONGRESSIONAL RESEARCH SERVICE" under the heading "LIBRARY OF CONGRESS" under title I of this Act (relating to prior approval of certain publications), the Director shall make information available in accordance with this section without the prior approval of the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, July 22, 1998, at 9 a.m. in SR-328A. The purpose of this meeting will be to examine the Y2K computer problem as it relates to agricultural business and other matters.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs and the House Committee on Resources will meet during open session on Wednesday, July 22, 1998, at 9 a.m. to conduct a joint hearing on S. 1770, to evaluate the Director of Indian Health Service to Assistant Secretary for Health and Human Services; and H.R. 3782, Indian Trust Fund Accounts. The hearing will be held in room 106 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224-2251.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 20, 1998, at 4 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO KENJI SUMIDA UPON HIS RETIREMENT AS PRESIDENT OF THE EAST-WEST CENTER

• Mr. INOUE. Mr. President, on behalf of myself and Senator DANIEL K. AKAKA, I would like to say a few words about Mr. Kenji Sumida who is retiring next month from the post of President of the East-West Center in Honolulu, Hawaii. The East-West Center is a national education and research institution established by the United States Congress in 1960 to promote better relations and understanding among the nations of Asia, the Pacific and the United States.

During his tenure as President of the East-West Center, Mr. Sumida effectively led the Center through a particularly difficult period of reduced funding and budget cuts while maintaining and building upon the Center's reputation as the premiere United States institution dealing with major issues in the Asia-Pacific region. He substantially increased the visibility of the Center in Washington, DC and reached out to the Center's many alumni in the United States and throughout the Asia-Pacific region.

In addition to his leadership role at the East-West Center, Mr. Sumida has served his native State of Hawaii in numerous other capacities, including high-ranking administrative posts at the University of Hawaii, the State of Hawaii, and City and County of Honolulu; director of administration of the Pacific International Center for High Technology Research; and chief of staff and commander of the Hawaii Air National Guard, retiring with the grade of Brigadier General. His long-standing involvement and commitment to numerous community service activities is commendable.

In all of his pursuits, Kenji Sumida has worked tirelessly and conscientiously to create bonds of friendship, respect and mutual understanding in his home state and the nation, as well as with our neighbors in Asia and the Pacific.

We would like to acknowledge and pay tribute to Kenji Sumida for an outstanding career of service to our great nation and to extend our best wishes in his retirement. ●

THERE THEY GO AGAIN: WILL TRIAL LAWYERS STIFLE YEAR 2000 SOLUTIONS?

• Mr. FAIRCLOTH. Mr. President, I rise to address the imminent wave of Year 2000 lawsuits that will flood our courts and enrich thousands of trial lawyers at the expense of American consumers. I also rise to commend President Clinton for his announcement that he will propose legislation to shield businesses from lawsuits based on information shared in efforts to solve these so-called Y2K problems.

Based on the information that I have received, I believe that his approach is too narrow, but it is a step in the right direction.

It is a step away from greedy trial lawyers and litigation towards creative computer programmers and solutions.

We face the so-called millennial glitch—the Year 2000 problem—because most software programs cannot recognize dates after December 31, 1999.

Over the past twenty years, to save computer memory that was prohibitively expensive, programmers shortened the date field in software programs to hold only the last two digits of the year.

This glitch will cause computer systems to malfunction and to crash if these programs are not rewritten and fixed. Certainly, this is a major problem, one that has sent computer programmers scrambling for solutions.

This is one of the most important issues before businesses, Mr. President, and the costs of Y2K compliance are estimated to be hundreds of billions of dollars. The junior Senator from Utah, Mr. BENNETT, is to be commended for his fine work on the Year 2000 subcommittee.

We will face computer chaos if these problems are not resolved before the clock strikes midnight on December 31,

1999. We are looking at the possibility of power outages, frozen bank accounts, even the specter of a global recession.

Unfortunately, though, the solutions are not all clear.

The efficient exchange of information among the involved parties—programmers, computer companies, and consumers—is critical. We will never find solutions if all parties are not free to exchange all the relevant information.

There is, however, a major hurdle to this critical exchange of information—the trial lawyers. The trial lawyers are excited by this Year 2000 problem.

The Gartner Group, a consulting firm, estimates that the costs of the Y2K fix will run up to \$600 billion, but that the legal costs—the trial lawyer taxes—may explode to one trillion dollars.

Yes, Mr. President, \$1 trillion for litigation.

The projected trillion dollars in legal fees is yet another “trial lawyer tax” that greedy plaintiffs’ lawyers impose on the American people in the form of increased costs inevitably passed on to consumers.

The only jobs that the trial lawyers will create with their Year 2000 lawsuits are in the Lear jet factory as the orders come rolling in from these millionaire trial lawyers.

The trial lawyers see another problem to exploit for financial gain, another opportunity for personal enrichment at the expense of the nation.

The justifiable fear that businesses have of these trial lawyers is actually slowing down efforts to solve these critical problems.

The Washington Post reported that, “Many companies have resisted exchanging technical advice with one another, delaying the pace of repair work, because they fear costly litigation if the information they provide inadvertently turns out to be inaccurate.”

So, if the Social Security checks are late and the power gets turned off because computer companies cannot share information with the Federal government, you can thank the trial lawyers and their greed.

The headlines may proclaim that the Social Security Administration is well along in its Year 2000 progress, and it is amongst the more responsive agencies, about 90 percent of the way to getting its computers ready.

However, Mr. President, the Treasury Department—not the Social Security Administration—prints Social Security checks. The bad news is that Treasury is amongst the least responsive federal agencies to the Y2K issue.

I hope that trial lawyers’ greed won’t leave older Americans shivering in the cold on New Year’s Day in the year 2000 because everyone was too afraid of being sued to work together on a solution.

As I said, the threat of a tidal wave of expensive litigation is shutting down the exchange of information, which is

essential to a resolution of this issue. Further, however, the stampede of trial lawyers to the courthouse is also contributing to a shortage of qualified staff to deal with the issue.

Many specialized firms that could work on this issue—firms with the technical expertise to do this job—are, in fact, avoiding it because they fear that they will become the target of the trial lawyers.

The pattern is a familiar one. Trial lawyers, many of whom sue on a contingent fee basis that guarantees them a fixed percentage of their client's award, look for the parties with the "deep pockets." A company with deep pockets is likely to be sued even if its systems are working properly.

It's the old "supply chain": if a supplier, partner, or customer winds up with a Year 2000 problem, then the lawsuits will likely ripple all the way through the supply chain.

One lawyer involved in this Year 2000 litigation observed that, if the problem drives the suppliers and customers into bankruptcy, the plaintiffs are likely to sue "everyone standing around the dead body."

The lawyers are getting ready, Mr. President, and there have been litigation summits in California.

In fact, Bill Lerach, known for the securities "strike suits" that prompted reform legislation, is already filing Year 2000 lawsuits. He even filed one against Symantec Corporation, the maker of the popular Norton Anti-Virus software. Symantec is a golden oldie for Mr. Lerach. He sued this company in 1994 in one of his self-described "favorite" securities lawsuits.

This outstanding member of the plaintiffs' bar even sued the pop singers "Milli Vanilli" for lip-synching its songs. He sued on behalf of fans who felt betrayed.

This courtroom crusader also sued Ragu for selling a "fresh Italian" salad dressing that wasn't fresh or Italian.

This is a man who paid \$64,000 in fines for breaking electoral laws and paid court fines due to his lawsuit antics.

It's time to choose, Mr. President, between these trial lawyers and the average Americans.

Do we stand with Mr. Lerach and his greedy band of litigators or with the regular people who just want solutions to a problem that threatens their parents' Social Security checks?

I commend President Clinton for his proposal. I believe that we need something far more broad, but it is a first step, and I am ready to move forward.

Let's tell the trial lawyers and their Gucci-loafed lobbyists that we stand with the American people, not the special interests.

I'm worried about the Social Security checks getting out on time, not the court papers getting in on time.

I want solutions, not lawsuits. I'm looking out for the American people and their interests, not the trial lawyers and the special interests.

The trial lawyers want to turn the Year 2000 issue into a lawsuit "House of Horrors" but I'm here to deny them a building permit.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

ANNIVERSARY OF THE INVASION OF CYPRUS

● Ms. MIKULSKI. Mr. President: Twenty four years ago today, Turkish troops invaded and divided the nation of Cyprus. This illegal and immoral division of Cyprus continues today—dividing a country and creating instability in the Mediterranean.

During the early days of the Turkish occupation, six thousand Greek-Cypriots were killed. Over two hundred thousand were driven from their homes. Many of the missing, including some Americans, have never been accounted for.

Little has changed in the past quarter century. Today, forty thousand Turkish troops remain in Cyprus. The Greek-Cypriots who remain in the northern part of the island are denied basic human rights such as the right to a free press, freedom to travel, and access to religious sites.

I am disappointed that we have made no progress in ending the occupation of Cyprus. Earlier this year, there were reasons to be hopeful. We thought that possible European Union membership would make Turkey more receptive to peace talks, but Turkey is not on the short list for EU membership—and Turkey responded by imposing preconditions on any negotiations. So we are far as ever from a peaceful solution for Cyprus.

This year, as we mark this somber anniversary, I urge my colleagues to join me in recommitting ourselves to bring peace to Cyprus.

First of all, we must continue to make the resolution of the Cyprus problem a priority. President Clinton and Secretary of State Albright have focused more attention on this region than any other Administration. Ambassador Richard Holbrooke and Ambassador Tom Miller have done an excellent job trying to bring both sides together. As Ambassador Holbrooke assumes his new responsibilities at the United Nations, we must encourage the Administration to replace him with an emissary of equal stature.

The secondary priority is that we must continue to provide humanitarian assistance to the people of Cyprus. Each year, Congress provides fifty million dollars to foster bicomunal cooperation in Cyprus. These funds are used for education, health care, and to help both communities to solve regional problems—such as to improve water and energy supplies.

The third priority is that Congress should pass the Enclaved People of Cyprus Act. Senator OLYMPIA SNOWE and I introduced this legislation to call for improved human rights for the Greek Cypriots living under Turkish control.

Mr. President: The crisis in Cyprus has brought two NATO allies to the brink of war. The occupation is also a human tragedy that should enrage all of us who care about human rights. I urge my colleagues to continue to work toward a peaceful and unified Cyprus.●

AFRICA SEEDS OF HOPE ACT

● Mr. ABRAHAM. Mr. President, I rise to co-sponsor S. 2283 the Africa Seeds of Hope Act. This bill offers us a rare opportunity to improve a people's way of life. Introduced by my colleagues Senator DEWINE and Senator SARBANES, the Africa Seeds of Hope is landmark legislation that will help feed a continent, but more importantly provide the people of that continent with the tools of self-sustenance. This bill not only validates our judgement as good legislators, but challenges us to a higher standard.

S. 2283 designates organizations such as the U.S. Agency for International Development and the Overseas Private Investment Corporation to support rural finance, agricultural research, and food security programs to increase food production and the capital of small scale African farmers and entrepreneurs. It also provides women, the facilitators of agricultural growth in Africa, with improved resources to expedite development. Financial support for this program would emanate from a presently existing account and would not require any new funds to be allocated.

Mr. President, at this point I would like to note a few crucial statistics that are often overlooked, and that are shocking, particularly in comparison with our own fortunate state. Today, on the brink of the 21st Century and the new millennium, 215 million African men, women and children go hungry. This is happening, Mr. President, at a time during which the United States spends about one-half of 1 percent of the federal budget on foreign aid. And only one-tenth of 1 percent of that limited budget aids Africans, with a declining part going to agricultural development. If Africa is to achieve any kind of food security, international agencies tell us, it must triple its food supply by the year 2050. Africa cannot achieve this huge expansion on its own.

The global economy, for better and worse Mr. President, links together every nation and every people on this earth. We no longer have the option, if we ever did, of closing our doors and shutting out any people, let alone an entire continent. Support for the Africa Seeds of Hope constitutes support for our own economy, our own people and our own principles. It will provide, not just meals and nutrition for a week or a month, but the chance for a continent to rise and feed itself and eventually gain self-sustenance.

I urge my colleagues to support this important legislation.●

RECOGNITION OF "SPACE WEEK"

Mr. GRAMS. Mr. President, I rise today to commemorate "Space Week" and recognize the accomplishments of our nation's space programs over the course of forty years of NASA space exploration.

As my colleagues may know, this month marks the 29th anniversary of the Apollo 11 launch on July 16, 1969 which began one of man's greatest voyages of exploration: the first flight to land a man on the moon. Like most Americans, I can recall my wonderment on July 20, 1969 when the lunar module Eagle landed on the moon. Soon thereafter, Commander Neil Armstrong descended from Eagle to the moon's surface and declared those memorable words, "That's one small step for man, one giant leap for mankind."

Since that historic moment, NASA and its private sector partners have guided this nation to the forefront of aeronautical excellence. Today, this nation's commitment to expanding the development of technology and learning more about our vast universe remains as strong as ever.

My home state of Minnesota has earned a well-deserved reputation as a high-technology giant, making our job creators a perfect match with NASA. That NASA depends so heavily on the ingenuity and know-how of Minnesota's high-tech industries is a strong testament to the innovative spirit of our citizens. I am particularly impressed at Minnesota's contributions to the space shuttle program, and I had the unique opportunity to witness their work first-hand last November, when I toured NASA's Florida facilities and viewed the launch of the space shuttle Columbia. I ask that the names of the 31 Minnesota firms currently working under NASA's space shuttle program be printed in the RECORD.

The names follow:

3M Company Industrial Chemical Product (St. Paul, Minnesota)
 ADC Telecommunications, Inc. (Minneapolis, Minnesota)
 Arrow Electronics (Chanhassen, Minnesota)
 Computype (St. Paul, Minnesota)
 Control Data Systems, Inc. (Arden Hills, Minnesota)
 Despatch Industries (Minneapolis, Minnesota)
 Digi-Key Corporation (Thief River Falls, Minnesota)
 Donaldson Company (Minneapolis, Minnesota)
 Dotronix, Inc. (New Brighton, Minnesota)
 Graco, Inc. (Minneapolis, Minnesota)
 Interactive Technologies, Inc. (North St. Paul, Minnesota)
 Intercomp Company (Minneapolis, Minnesota)
 Kavouras Incorporated (Burnsville, Minnesota)
 Midwest Systems (Burnsville, Minnesota)
 Minnetech Labs, Inc. (Minneapolis, Minnesota)
 Northern Hydraulics, Inc. (Burnsville, Minnesota)
 Pacific Digital Products (Burnsville, Minnesota)
 Reality Interactive, Inc. (Eden Prairie, Minnesota)

Research Incorporated (Minneapolis, Minnesota)
 Rosemount Aerospace, Inc. (Eagan, Minnesota)
 Rosemount, Inc. (Chanhassen, Minnesota)
 Sheldahl Incorporated (Northfield, Minnesota)
 Starkey Laboratories, Inc. (Eden Prairie, Minnesota)
 Telex Communications (Minneapolis, Minnesota)
 Tescom (Elk River, Minnesota)
 The Winsted Corporation (Minneapolis, Minnesota)
 Try Us Resources, Inc. (Minneapolis, Minnesota)
 TSI, Inc. (St. Paul, Minnesota)
 Twin Cities Digital (Burnsville, Minnesota)
 W.A. Charnstrom Company (Minneapolis, Minnesota)
 Zero (Minneapolis, Minnesota)

Mr. GRAMS. Minnesotans were there at the dawn of the Space Age, and I look forward to the role our state will play as the next chapter of America's space history, the era of the International Space Station, is written.

I believe the nation's space programs, such as the International Space Station, represent important investments in America's future. The scientific and technological benefits of this ambitious initiative are impressive and will produce a high rate of return on the American taxpayers' investment in aeronautical and space programs. Among these benefits, the space station will provide new insight into industrial research for air and water purification, waste management and recycling, computer technology, and environmental engineering. Most notable is the progress being made in the biomedical field.

The promise of a long-term, zero gravity environment has scientists poised to conduct research into the development of cures for diabetes, cancer, emphysema, and immune system disorders. Moreover, the study and eventual findings of why astronauts who spend extended periods of time in space often experience weakening of their hearts and blood vessels may lead to the diagnosis and treatment of heart disease. It should also be noted that the International Space Station is supported by many of this nation's most prominent medical and research organizations, including the American Medical Association, the Multiple Sclerosis Association of America, the American Medical Woman's Association, Bristol-Myers Squibb, and Mount Sinai Medical Center. Clearly, the space station promises to make significant contributions to the study of medicine.

Mr. President, the International Space Station will help to maintain U.S. leadership in space while promoting international cooperation. This international laboratory in orbit will bring American, Russian, European, Japanese, and Canadian astronauts together in search of a common goal: to develop further advances in science and technology that will benefit future generations.

More importantly for the young people of America, the space station will

inspire greater interest in our nation's space programs. With this in mind, I would like to commend some of the colleges and universities in my home state of Minnesota for their commitment to encouraging the involvement of our country's future leaders in our aeronautical and space industry.

Mr. President, since 1989, NASA has administered the "Space Grant" program to enhance aerospace research and education in the United States. This program is an effective partnership among universities, the aerospace industry, and federal, state, and local governments that assists in the recruitment and training of professionals in aerospace science, engineering, and technology.

In my home state, the Minnesota Space Grant Consortium is comprised of nine academic institutions along with the Minnesota Department of Transportation. Those nine institutions are: Augsburg College, Bemidji State University, Bethel College, College of St. Catherine, Fond du Lac Tribal and Community College, Macalester College, Normandale Community College, the University of Minnesota-Twin Cities, and the University of St. Thomas.

For the last several years, these institutions have worked effectively together to promote aerospace science through fellowships and scholarships, the development of new courses in Physics and Geology, the establishment of a new Space Studies minor among the consortia members, and public lectures relating to space science and engineering.

I met recently with Emily Eelkema, a native of Minneapolis and a senior at the University of Minnesota studying Aerospace Engineering. Emily is a participant in the NASA Academy on Aeronautics at the Dryden Flight Research Center in California, and was initially selected for this honor through the Minnesota Space Grant Consortium.

Those selected for the NASA Academy are among the brightest students in the country and have expressed a deep interest in NASA aeronautical space research. I was extremely impressed by Emily's grasp of Dryden's flight research program and her lifelong interest in aeronautics and space activities. I am encouraged to learn of her goals of becoming an astronaut and playing an important role in the design of a manned Mars mission. Her commitment to a career in this exciting field makes me optimistic about the future of our space program.

Mr. President, the commemoration of "Space Week" would not be complete without paying tribute to a true American hero, our colleague Senator JOHN GLENN. On October 29, Senator GLENN will embark on a second journey into space, this time aboard the Space Shuttle Discovery, as a Payload Specialist responsible for conducting space-based research on aging. His work may lead to further understanding by scientists about the process of

aging, and help reduce the number of individuals requiring long-term medical care in their later years.

Many deserving accolades have been placed upon Senator GLENN for his accomplishments throughout his career as a marine, the first American to orbit the Earth, and a United States Senator. I believe no commendation has captured the essence of JOHN GLENN's commitment to public service than that bestowed upon him more than 35 years ago by President Kennedy during a visit to Cape Canaveral, Florida.

Upon presentation of NASA's Distinguished Service Medal to Lt. Colonel GLENN, President Kennedy spoke of GLENN's historic orbital flight when he said, "His performance was marked by his great professional knowledge, his skill as a test pilot, his unflinching courage, and his extraordinary ability to perform the most difficult tasks under conditions of great physical stress and personal danger. His performance in fulfillment of this most dangerous assignment reflects the highest credit upon himself and the United States."

Mr. President, I encourage all Americans to reflect upon the benefits of our nation's space programs during this Space Week. As we approach the 21st century, Americans can share a sense of national pride as we move forward in our epic journey—a journey filled with uncertainty, yet with great promise—into the space frontier.●

SUBMITTING CHANGES TO THE APPROPRIATIONS COMMITTEE ALLOCATION

● Mr. DOMENICI. Mr. President, section 314(b)(2) of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the allocation for the Appropriations Committee to reflect additional new budget authority and outlays for an earned income tax credit compliance initiative and for arrearages for international organizations, international peacekeeping, and multi-lateral development banks.

I hereby submit revisions to the 1999 Senate Appropriations Committee allocation, pursuant to section 302 of the Congressional Budget Act.

The revisions follow:

(In millions of dollars)

| | Budget authority | Outlays |
|------------------------------------|------------------|---------|
| Current allocation: | | |
| Defense discretionary | 271,570 | 266,635 |
| Nondefense discretionary | 254,591 | 264,403 |
| Violent crime reduction fund | 5,800 | 4,953 |
| Highways | | 21,885 |
| Mass transit | | 4,401 |
| Mandatory | 299,159 | 291,731 |
| Total | 831,120 | 854,008 |
| Adjustments: | | |
| Defense discretionary | | |
| Nondefense discretionary | +618 | +617 |
| Violent crime reduction fund | | |
| Highways | | |
| Mass transit | | |
| Mandatory | | |
| Total | +618 | +617 |
| Revised allocation: | | |
| Defense discretionary | 271,570 | 266,635 |

(In millions of dollars)

| | Budget authority | Outlays |
|------------------------------------|------------------|----------|
| Nondefense discretionary | 255,209 | 265,020 |
| Violent crime reduction fund | 5,800 | 4,953 |
| Highways | | 21,885 |
| Mass transit | | 4,401 |
| Mandatory | 299,159 | 291,731 |
| Total | 831,738 | 854,625● |

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT, AGENCIES APPROPRIATIONS ACT, 1999

(The text of S. 2168, as amended, as passed by the Senate on July 17, 1998, follows:)

S. 2168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); \$21,857,058,000, to remain available until expended: *Provided*, That not to exceed \$24,534,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, \$1,175,000,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$46,450,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 1999, within the resources available, not to exceed \$300,000 in gross obligations for direct loans are authorized for specially adapted housing loans: *Provided further*, That during 1999 any moneys that would be otherwise deposited into or paid from the Loan Guaranty Revolving Fund, the Guaranty and Indemnity Fund, or the Direct Loan Revolving Fund shall be deposited into or paid from the Veterans Housing Benefit Program Fund: *Provided further*, That any balances in the Loan Guaranty Revolving Fund, the Guaranty and Indemnity Fund, or the Direct Loan Revolving Fund on the effective date of this Act may be transferred to and merged with the Veterans Housing Benefit Program Fund.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$159,121,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$206,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$55,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,401,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$400,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, \$515,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION
MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed \$8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); \$17,250,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, \$687,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1999, and shall remain available until September 30, 2000: *Provided further*, That of the funds made available under this heading, \$14,000,000 shall be for the homeless grant program and \$6,000,000 shall be for the homeless per diem program: *Provided further*, That such funds may be used for vocational training, rehabilitation, and outreach activities in addition to other authorized homeless assistance activities: *Provided further*, That of the funds made available under this heading, \$10,000,000 shall be for implementation of the Primary Care Providers Incentive Act, contingent upon enactment of authorizing legislation.

In addition, in conformance with Public Law 105-33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2000, \$310,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS
OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs,

including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; \$60,000,000, plus reimbursements.

GENERAL POST FUND, NATIONAL HOMES
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$7,000, as authorized by Public Law 102-54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$70,000.

In addition, for administrative expenses to carry out the direct loan programs, \$54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102-54, section 8.

DEPARTMENTAL ADMINISTRATION
GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; \$854,661,000: *Provided*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System, not otherwise provided for, including uniforms or allowances therefor; cemetery expenses as authorized by law; purchase of six passenger motor vehicles for use in cemetery operations; and hire of passenger motor vehicles, \$92,006,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$36,000,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of 38 U.S.C., including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is \$4,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$142,300,000, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1999, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1999, and (2) by the awarding of a construction contract by September 30, 2000: *Provided further*, That the Secretary shall promptly report in writing to the Committees on Appropriations any

approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of 38 U.S.C., where the estimated cost of a project is less than \$4,000,000; \$175,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$4,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE
EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131-8137, \$90,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE
VETERAN CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, \$10,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS
(INCLUDING TRANSFER OF FUNDS)

SECTION 101. Any appropriation for fiscal year 1999 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 1999 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be

available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901-7904 or 42 U.S.C. 5141-5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1999 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1998.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1999 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 1999, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 1999, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 1999, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. In accordance with section 1557 of title 31, United States Code, the following obligated balances shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure without fiscal year limitation: (1) funds obligated by the Department of Veterans Affairs for lease numbers 084B-05-94, 084B-07-94, and 084B-027-94 from funds made available in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Public Law 103-124) under the heading "Medical care"; and (2) funds obligated by the Department of Veterans Affairs for lease number 084B-002-96 from funds made available in the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103-327) under the heading "Medical care".

SEC. 109. Beginning in fiscal year 1999, and thereafter, funds available in any Department of Veterans Affairs appropriation or fund for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the

Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs. Payments may be made in advance for services to be furnished based on estimated costs. Amounts received shall be credited to the General Operating Expenses account for use by the office that provided the service.

SEC. 110. LAND CONVEYANCE, RIDGECREST CHILDREN'S CENTER, ALABAMA. (a) CONVEYANCE.—The Secretary of Veterans Affairs may convey, without consideration, to the Board of Trustees of the University of Alabama, all right, title, and interest of the United States in and to the parcel of real property, including any improvements thereon, described in subsection (b).

(b) COVERED PARCEL.—The parcel of real property to be conveyed under subsection (a) is the following: A parcel of property lying in the northeast quarter of the southwest quarter, section 28, township 21 south, range 9 west, Tuscaloosa County, Alabama, lying along and adjacent to Ridgcrest (Brewer's Porch) Children's Center being more particularly described as follows: As a point of commencement start at the southeast corner of the north half of the southwest quarter run in an easterly direction along an easterly projection of the north boundary of the southeast quarter of the southwest quarter for a distance of 888.52 feet to a point; thence with a deflection angle to the left of 134 degrees 41 minutes run in a northwesterly direction for a distance of 1164.38 feet to an iron pipe; thence with a deflection angle to the left of 75 degrees 03 minutes run in a southwesterly direction for a distance of 37.13 feet to the point of beginning of this parcel of property; thence continue in this same southwesterly direction along the projection of the chainlink fence for a distance of 169.68 feet to a point; thence with an interior angle to the left of 63 degrees 16 minutes run in a northerly direction for a distance of 233.70 feet to a point; thence with an interior angle to the left of 43 degrees 55 minutes run in a southeasterly direction for a distance of 218.48 feet to the point of beginning, said parcel having an interior angle of closure of 72 degrees 49 minutes, said parcel containing 0.40 acres more or less, said parcel of property is also subject to all rights-of-way, easements, and conveyances heretofore given for this parcel of property.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

TITLE II—DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
PUBLIC AND INDIAN HOUSING
HOUSING CERTIFICATE FUND
(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, \$10,013,542,030, to remain available until expended: *Provided*, That of the total amount provided under this heading, \$9,540,000,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) (the "Act" herein) for use in connection with expiring or terminating section 8 subsidy contracts, for enhanced vouchers as provided under the "Preserving Existing Housing Investment" account in the De-

partments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, (Public Law 104-204), and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1999: *Provided further*, That of the total amount provided under this heading, \$433,542,030 shall be for section 8 rental assistance under the Act including assistance to relocate residents of properties (i) that are owned by the Secretary and being disposed of or (ii) that are discontinuing section 8 project-based assistance; for the conversion of section 23 projects to assistance under section 8; for funds to carry out the family unification program; and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: *Provided further*, That of the total amount made available in the preceding proviso, up to \$40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: *Provided further*, That the amount made available under the fifth proviso under the heading "Prevention of Resident Displacement" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Public Law 104-204, shall also be made available to nonelderly disabled families affected by the restriction of occupancy to elderly families in accordance with section 658 of the Housing and Community Development Act of 1992: *Provided further*, That to the extent the Secretary determines that the amount made available under the fifth proviso under the heading "Prevention of Resident Displacement" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Public Law 104-204, is not needed to fund applications for affected families described in the fifth proviso, or in the preceding proviso under this heading in this Act, the amount not needed shall be made available to other nonelderly disabled families: *Provided further*, That of the total amount under this heading, \$40,000,000 shall be made available on a fair share basis (except as otherwise provided in this proviso) to public housing agencies as section 8 assistance for families on waiting lists who agree to participate in local self-sufficiency/welfare-to-work initiatives, of which \$4,000,000 shall be made available each to public housing agencies for demonstration local self-sufficiency/welfare-to-work initiatives in Los Angeles, California; Cleveland, Ohio; Kansas City, Missouri; Charlotte, North Carolina; Miami/Dade County, Florida; Prince Georges County, Maryland; New York City, New York; and Anchorage, Alaska.

From the sources and in the order herein-after specified, \$1,400,000,000 is rescinded: *Provided further*, That the first source shall be amounts that are available or may be recaptured from project-based contracts for section 8 assistance that expired or were terminated during fiscal year 1999 or any prior year: *Provided further*, That after all amounts that are available or may be recaptured from

the first source have been exhausted, the second source shall be unobligated amounts from amendments to contracts for project-based section 8 assistance, other than contracts for projects developed under section 202 of the Housing Act of 1959, other than amounts described as the fourth source, in the fourth proviso in this paragraph, that are carried over into 1999: *Provided further*, That after all amounts that are available from the second source are exhausted, the third source shall be amounts recaptured from section 8 reserves in the section 8 moderate rehabilitation program: *Provided further*, That after all amounts that are available or may be recaptured from the third source have been exhausted, the fourth source shall be all unobligated amounts for project-based assistance that are earmarked under the third proviso under this heading in Public Law 105-65, 111 Stat. 1351 (approved October 27, 1997): *Provided further*, That any amounts that are available or recaptured in connection with the first or third provisos of this paragraph that are in the Annual Contributions for Assisted Housing account, and are required to be rescinded by this paragraph, shall be rescinded from the Annual Contributions for Assisted Housing account.

SECTION 8 RESERVE PRESERVATION ACCOUNT

The amounts recaptured during fiscal years 1998 and 1999 that were heretofore made available to public housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs from the Annual Contributions for Assisted Housing account shall be collected in the account under this heading, for use as provided for under this heading, as set forth under the Annual Contributions for Assisted Housing heading in title II, chapter 11 of Public Law 105-18, approved June 12, 1997.

PUBLIC HOUSING CAPITAL FUND (INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program for modernization of existing public housing projects as authorized under section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), \$2,550,000,000, to remain available until expended: *Provided*, That of the total amount, up to \$100,000,000 shall be for carrying out activities under section 6(j) of such Act and technical assistance for the inspection of public housing units, contract expertise, and training and technical assistance directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public housing programs and for lease adjustments to section 23 projects: *Provided further*, That of the amount available under this heading, up to \$5,000,000 shall be for the Tenant Opportunity Program: *Provided further*, That all balances, as of September 30, 1997, of funds heretofore provided for section 673 public housing service coordinators shall be transferred to and merged with amounts made available under this heading.

PUBLIC HOUSING OPERATING FUND (INCLUDING TRANSFER OF FUNDS)

For payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$2,818,000,000, to remain available until expended.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING (INCLUDING TRANSFER OF FUNDS)

For grants to public housing agencies, Indian Tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901-11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921-11925, \$310,000,000, to remain available until expended, of which \$10,000,000 shall be for grants, technical assistance, contracts and other assistance, training, and program assessment and execution for or on behalf of public housing agencies, resident organizations, and Indian Tribes and their tribally designated housing entities (including the cost of necessary travel for participants in such training); \$10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development; \$10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home; and \$20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: *Provided*, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989: *Provided further*, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: *Provided further*, That, notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for assisting in the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937; and for providing replacement housing and assisting tenants displaced by the demolition, \$600,000,000, to remain available until expended, of which the Secretary may use up to \$15,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: *Provided*, That for purposes of environmental review pursuant to the National Environment Policy Act of 1969, a grant under this head or under prior appropriations Acts for this head shall be treated

as assistance under title I of the United States Housing Act of 1937 and shall be subject to regulations issued by the Secretary to implement section 26 of such Act: *Provided further*, That no funds appropriated under this heading shall be used for any purpose that is not provided for herein, in the United States Housing Act of 1937, in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, for the fiscal years 1993, 1994, 1995, and 1997, and the Omnibus Consolidated Rescissions and Appropriations Act of 1996: *Provided further*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS (INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104-330), \$600,000,000, to remain available until expended, of which \$6,000,000 shall be used to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of Indian housing and tenant-based assistance, including up to \$200,000 for related travel: *Provided*, That of the amount provided under this heading, \$6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of the Native American Housing Assistance and Self-Determination Act of 1996: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$217,000,000: *Provided further*, That the funds made available in the first proviso are for a demonstration on ways to enhance economic growth, to increase access to private capital, and to encourage the investment and participation of traditional financial institutions in tribal and other Native American areas.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), \$6,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$68,881,000.

RURAL HOUSING AND ECONOMIC DEVELOPMENT (INCLUDING TRANSFER OF FUNDS)

For an Office of Rural Housing and Economic Development to be established in the Office of Housing in the Department of Housing and Urban Development, \$35,000,000, to remain available until expended: *Provided*, That of the amount under this heading, \$10,000,000 shall be used to establish a clearinghouse of ideas for innovative strategies for rural housing and economic development and revitalization, of which \$8,000,000 shall be awarded by June 1, 1999 directly to local rural nonprofits, community development corporations and Indian tribes to support capacity building and technical assistance: *Provided further*, That of the amount under this heading, \$5,000,000 shall be awarded by June 1, 1999 as seed support for Indian tribes

and nonprofits and community development corporations in states which have limited capacity in rural areas: *Provided further*, That of the amount under this heading, \$20,000,000 shall be awarded by June 1, 1999 to Indian tribes and state housing finance agencies to support innovative community development initiatives in rural communities: *Provided further*, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act: *Provided further*, That all funds unobligated as of October 1, 1998 under the fifth paragraph of the Community Development Block Grants account in the Departments of Veterans Affairs, and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105-65; October 27, 1997) shall be transferred to this account to be awarded to state housing finance agencies for activities under this heading with any outstanding earmarks for a state to be awarded to that state's housing finance agency.

COMMUNITY PLANNING AND DEVELOPMENT
HOUSING OPPORTUNITIES FOR PERSONS WITH
AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), \$225,000,000, to remain available until expended: *Provided*, That the Secretary may use up to 1 percent of the funds under this heading for technical assistance: *Provided further*, That within 30 days of the close of fiscal year 1999, the Secretary shall submit a report to the Congress summarizing all technical assistance provided during the fiscal year.

COMMUNITY DEVELOPMENT BLOCK GRANTS
(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), \$4,750,000,000, to remain available until September 30, 2001: *Provided*, That \$67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; \$3,000,000 shall be available as a grant to the Housing Assistance Council; \$1,800,000 shall be available as a grant to the National American Indian Housing Council; \$32,000,000 shall be for grants pursuant to section 107 of such Act including \$10,000,000 for historically black colleges and universities, including \$1,800,000 for Dillard University in New Orleans: *Provided further*, That all funding decisions under section 107 except as specified herein shall be subject to approval through a reprogramming letter unless otherwise specified in this bill or the Committee report to this bill (S. 2168): *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department.

Of the amount made available under this heading, \$25,000,000 shall be made available for "Capacity Building for Community Development and Affordable Housing," as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103-120), as in effect immediately before June 12, 1997, with not less than \$10,000,000 of the funding to be used in rural areas, including tribal areas.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to \$55,000,000 for a public and assisted housing self-sufficiency program, of which up to \$5,000,000 may be used for the Moving to Work Demonstration, and at least \$10,000,000 shall be used for grants for service coordinators and congregate services for the elderly and disabled: *Provided*, That for self-sufficiency activities, the Secretary may make grants to public housing agencies (including Indian tribes and their tribally designated housing entities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), and other low-income families and individuals: *Provided further*, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: *Provided further*, That the supportive services may include congregate services for the elderly and disabled, service coordinators, and coordinated education, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: *Provided further*, That the Secretary shall require applications to demonstrate firm commitments of funding or services from other sources: *Provided further*, That the Secretary shall select public and Indian housing agencies to receive assistance under this heading on a competitive basis, taking into account the quality of the proposed program, including any innovative approaches, the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary (except that funds under this proviso shall not be used for renewal of grants for service coordinators and congregate services for the elderly and disabled).

Of the amount made available under this heading, notwithstanding any other provision of law, \$40,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided*, That, local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding.

Of the amount made available under this heading, \$85,000,000 shall be available for the Economic Development Initiative (EDI) to finance a variety of efforts, including \$87,000,000 for making grants for targeted economic investments in accordance with the terms and conditions specified for such grants in the Senate committee report accompanying this Act.

Of the amount made available under this heading, notwithstanding any other provision of law, \$70,000,000 shall be available for the lead-based paint hazard reduction pro-

gram as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: *Provided*, That none of these funds shall be available for the Healthy Homes Initiative.

For the cost of guaranteed loans, \$29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: *Provided further*, That in addition to the other amounts appropriated under this heading, for administrative expenses to carry out the guaranteed loan program, \$1,000,000, which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

For any fiscal year, of the amounts made available as emergency funds under the heading "Community Development Block Grants Fund" and notwithstanding any other provision of law, not more than \$250,000 may be used for the non-Federal cost-share of any project funded by the Secretary of the Army through the Corps of Engineers.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$25,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$1,550,000,000, to remain available until expended: *Provided*, That up to \$7,000,000 of these funds shall be available for the development and operation of integrated community development management information systems: *Provided further*, That up to \$25,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), \$1,000,000,000, to remain available until expended: *Provided*, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS
(INCLUDING TRANSFERS OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units

for low income families not otherwise provided for, \$870,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, \$676,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under section 202(c)(2) of the Housing Act of 1959, and for supportive services associated with the housing; and \$194,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: *Provided further*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: *Provided further*, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND
(TRANSFER OF FUNDS)

Any collections from the Rental Housing Assistance Fund made during fiscal year 1999 shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION
FHA—MUTUAL MORTGAGE INSURANCE PROGRAM
ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1999, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$110,000,000,000.

During fiscal year 1999, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$100,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$328,888,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed \$324,866,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed \$4,022,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM
ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the Na-

tional Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), \$81,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$18,100,000,000: *Provided further*, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(h), 238(a), and 519(a) of the National Housing Act, shall not exceed \$120,000,000; of which not to exceed \$100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$211,455,000, of which \$193,134,000, including \$25,000,000 for the enforcement of housing standards on FHA-insured multifamily projects, shall be transferred to the appropriation for departmental salaries and expenses; and of which \$18,321,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE
ASSOCIATION
GUARANTEES OF MORTGAGE-BACKED SECURITIES
LOAN GUARANTEE PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

During fiscal year 1999, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$150,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$9,383,000, to be derived from the GNMA-guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$9,383,000 shall be transferred to the appropriation for departmental salaries and expenses.

POLICY DEVELOPMENT AND RESEARCH
RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$36,500,000, to remain available until September 30, 2000: *Provided*, That no funds under this heading may be used to fund a demonstration program, except subject to reprogramming.

FAIR HOUSING AND EQUAL OPPORTUNITY
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of

1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$35,000,000, to remain available until September 30, 1999, of which \$15,000,000 shall be to carry out activities pursuant to such section 561. No funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal government in connection with a specific contract, grant or loan.

MANAGEMENT AND ADMINISTRATION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$7,000 for official reception and representation expenses, \$992,826,000, of which \$518,000,000 shall be provided from the various funds of the Federal Housing Administration, \$9,383,000 shall be provided from funds of the Government National Mortgage Association, \$1,000,000 shall be provided from the "Community Development Grants Program" account, \$200,000 shall be provided by transfer from the "Title VI Indian Federal Guarantees Program" account, and \$400,000 shall be provided by transfer from the "Indian Housing Loan Guarantee Fund Program" account: *Provided*, That the Department is prohibited from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$66,850,000, of which \$22,343,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That \$10,000,000 shall also be transferred to this account from the amount earmarked for Operation Safe Home in the "Drug Elimination Grants for Low Income Housing" account.

OFFICE OF FEDERAL HOUSING ENTERPRISE
OVERSIGHT
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, \$16,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: *Provided*, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than \$0.

ADMINISTRATIVE PROVISIONS

SEC. 201. EXTENDERS. (a) ONE-FOR-ONE REPLACEMENT OF PUBLIC HOUSING.—Section 1002(d) of Public Law 104-19 is amended by striking "1998" and inserting "1999".

(b) STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE.—Section 203(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, is amended by striking "1997, and 1998" and inserting "1997, 1998, and 1999".

(c) PUBLIC AND ASSISTED HOUSING RENTS, INCOME ADJUSTMENTS AND PREFERENCES.—

(1) Section 402(a) of The Balanced Budget Downpayment Act, I is amended by striking "fiscal years 1997 and 1998" and inserting "fiscal years 1997, 1998, and 1999".

(2) Section 402(f) of The Balanced Budget Downpayment Act, 1 is amended by striking "fiscal years 1996, 1997, and 1998" and inserting "fiscal years 1996, 1997, 1998, and 1999".

SEC. 202. FINANCING ADJUSTMENT FACTORS.—Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 203. FAIR HOUSING AND FREE SPEECH.—None of the amounts made available under this Act may be used during fiscal year 1998 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

SEC. 204. REQUIREMENT FOR HUD TO MAINTAIN PUBLIC NOTICE AND COMMENT RULEMAKING.—Notwithstanding any other provision of law, for fiscal year 1998 and for all fiscal years thereafter, the Secretary of Housing and Urban Development shall maintain all current requirements under part 10 of the Department of Housing and Urban Development regulations (24 CFR part 10) with respect to the Department's policies and procedures for the promulgation and issuance of rules, including the use of public participation in the rulemaking process.

SEC. 205. BROWNFIELDS AS ELIGIBLE CDBG ACTIVITY.—For fiscal years 1998 and 1999, States and entitlement communities may use funds allocated under the community development block grants program under title I of the Housing and Community Development Act of 1974 for environmental cleanup and economic development activities related to Brownfields projects in conjunction with the appropriate environmental regulatory agencies, as if such activities were eligible under section 105(a) of such Act.

SEC. 206. ENHANCED DISPOSITION AUTHORITY.—Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by inserting after "owned by the Secretary" the following: ", including, for fiscal years 1998 and 1999, the provision of grants and loans from the General Insurance Fund (12 U.S.C. 1735c) for the necessary costs of rehabilitation or demolition".

SEC. 207. HUD RENT REFORM.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may provide tenant-based assistance to eligible tenants of a project insured under either sections 221(d)(3) or 236 of the National Housing Act in the same manner as if the owner had prepaid the insured mortgage to the extent necessary to minimize any rent increases or to prevent displacement of low-income tenants in accordance with a transaction approved by the Secretary provided

that the rents are no higher than the published section 8 fair market rents, as of the date of enactment, during the tenants' occupancy of the property.

SEC. 208. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS.—(a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 1999 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation for fiscal year 1998 under clause (ii) of such section;

(2) is not otherwise eligible for an allocation for fiscal year 1999 under such clause (ii) because the State does not have the number of cases of acquired immunodeficiency syndrome required under such clause; and

(3) would meet such requirement if the cases in the metropolitan statistical area for any city within the State, which city was not eligible for an allocation for fiscal year 1998 under clause (i) of such section but is eligible for an allocation for fiscal year 1999 under such clause, were considered to be cases outside of metropolitan statistical areas described in clause (i) of such section.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be the amount that is equal to the lesser of—

(1) the difference between—

(A) the total amount allocated for such State under section 854(c)(1)(A)(ii) of the AIDS Housing Opportunity Act for fiscal year 1997; and

(B) the total amount allocated for the city described in subsection (a)(3) of this section under section 854(c)(1)(A)(i) of such Act for fiscal year 1998 (from amounts made available under this title); and

(2) \$300,000.

SEC. 209. SECTION 236 PROGRAM REFORM.—Section 236 of the National Housing Act is amended to add a subsection in the appropriate place as follows:

"(g) The project owner shall, as required by the Secretary, accumulate, safeguard, and periodically pay the Secretary or such other entity as determined by the Secretary and upon such terms and conditions as the Secretary deems appropriate, all rental charges collected on a unit-by-unit basis in excess of the basic rental charges. Unless otherwise directed by the Secretary, such excess charges shall be credited to a reserve fund to be used by the Secretary to make additional assistance payments as provided in paragraph (3) of subsection (f). Notwithstanding any other requirements of this subsection, a project owner with a mortgage insured under this section or insured under section 207 of this Act pursuant to section 223(f) of this Act may retain some or all of such excess charges for project use if authorized by the Secretary and upon such terms and conditions as established by the Secretary."

SEC. 210. FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS.—Section 542 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (b)(5) by adding before the period at the end of the first sentence ", and not more than an additional 25,000 units over fiscal year 1999"; and

(2) in the first sentence of subsection (c)(4) inserting after "fiscal year 1997" the following: "and not more than an additional 25,000 units during fiscal year 1999".

SEC. 211. CALCULATION OF DOWNPAYMENT.—Section 203(b)(10) of the National Housing Act is amended by—

(1) striking out "Alaska and Hawaii" and inserting in lieu thereof "Calculation of Downpayment"; and

(2) striking out in subparagraph (A) "originated in the State of Alaska or the State of Hawaii and endorsed for insurance in fiscal years 1997 and 1998," and inserting in lieu thereof "executed for insurance in fiscal years 1998, 1999, and 2000".

SEC. 212. STATE CDBG IDIS FUNDING.—During fiscal year 1999, from amounts received by a State under section 106(d)(1) of the Housing and Community Development Act of 1974 for distribution in nonentitlement areas, the State may deduct an amount, not to exceed the greater of 0.25 percent of the amount so received or \$50,000, for implementation of the integrated disbursement and information system established by the Secretary, in addition to any amounts used for this purpose from amounts retained by the State for administrative expenses under section 106(d)(3)(A).

SEC. 213. NURSING HOME LEASE TERMS. (a) TECHNICAL CORRECTION.—Section 216 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998, is amended by striking out "fifty years from the date" and inserting in lieu thereof "fifty years to run from the date".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be construed to have taken effect on October 27, 1997.

SEC. 214. EMPOWERMENT ZONES AS CRITERIA.—The Secretary of Housing and Urban Development is prohibited from using as a grant criteria for any program administered by the Secretary the use of program funds in an empowerment zone or enterprise community.

SEC. 215. GRANT ANNOUNCEMENTS.—The Secretary of Housing and Urban Development shall provide all grant announcements to the Senate and House Appropriations Subcommittees on VA, HUD, and Independent Agencies at least twenty-four hours before the Department of Housing and Urban Development publicly or privately makes an announcement of any grant award.

SEC. 216. TECHNICAL FOR EMERGENCY CDBG PROGRAM.—For purposes of eligibility for funding under the heading "Community Development Block Grants" in the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105-174; May 1, 1998) the term "states" shall be deemed to include "Indian tribes" as defined under section 102(a)(17) of the Housing and Community Development Act of 1974 and Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa: *Provided*, That amounts made available by this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 217. ACCOUNT TRANSITION.—The amount of obligated balances in appropriations accounts, as set forth in title II of the Departments of Veterans Affairs, and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 and prior Acts that are recaptured hereafter, to the extent not governed by the specific language in an account or provision in the Act, shall be held in reserve subject to reprogramming, notwithstanding any other provision of law.

SEC. 218. PROHIBITION ON UNIVERSITY FUNDING.—The Secretary of Housing and Urban Development is prohibited from paying directly or indirectly any university the cost of room and board and tuition for training associated with senior community builders or any similar program except that the Secretary may fund education and training programs associated with the Community Development Block Grant program, the Community First Leadership program and the Junior Community Builders program, subject to the Secretary submitting to the Committees on Appropriations an action plan

identifying all funding to be used and the education and training programs for which the funding will be provided.

SEC. 219. FHA SINGLE FAMILY MORTGAGE INSURANCE LIMITS REFORM.—(a) Section 203(b) of the National Housing Act is amended by striking out clause (ii) of paragraph (2)(A) and all that follows through “applicable size;” and inserting the following in lieu thereof:

“(ii) 87 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of applicable size; except that the applicable dollar amount limitation in effect for any area under this subparagraph may not be less than 48 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size; and”.

SEC. 220. USE OF HOME FUNDS FOR PUBLIC HOUSING MODERNIZATION.—Notwithstanding section 212(d)(5) of the Cranston-Gonzalez National Affordable Housing Act, amounts made available to the City of Bismarck, North Dakota, under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal years 1998, 1999, 2000, 2001 or 2002, may be used to carry out activities authorized under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437i) for the purpose of modernizing the Crescent Manor public housing project located at 107 East Bowen Avenue, in Bismarck, North Dakota, if—

(1) the Burleigh County Housing Authority (or any successor public housing agency that owns or operates the Crescent Manor public housing project) has obligated all other Federal assistance made available to that public housing agency for that fiscal year; or

(2) the Secretary of Housing and Urban Development authorizes the use of those amounts for the purpose of modernizing that public housing project, which authorization may be made with respect to 1 or more of those fiscal years.

SEC. 221. CDBG AND HOME EXEMPTION.—The City of Oxnard, California may use amounts available to the City under title I of the Housing and Community Development Act of 1974 and under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act) to reimburse the City for its cost in purchasing 19.89 acres of land, more or less, located at the northwest corner of Lombard Street and Camino del Sol in the City, on the north side of the 2100 block of Camino del Sol, for the purpose of providing affordable housing. The procedures set forth in sections 104(g)(2) and (3) of the Housing and Community Development Act of 1974 and sections 288(b) and (c) of the Cranston-Gonzalez National Affordable Housing Act shall not apply to any release of funds for such reimbursement.

SEC. 222. TECHNICAL CORRECTIONS TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998. (a) SECTION 8 CONTRACT RENEWAL POLICY FOR FISCAL YEAR 1999 AND SUBSEQUENT YEARS.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended—

(1) in subsection (a)(2), by inserting after “Notwithstanding paragraph (1)” the following “and subject to section 516 of this subtitle”; and

(2) by inserting at the end the following new subsections:

“(b) INAPPLICABILITY TO PROJECTS SUBJECT TO RESTRUCTURING.—This section shall not apply to projects restructured under this subtitle.

“(c) SAVINGS PROVISIONS.—Upon the repeal of this subtitle pursuant to section 579, the

provisions of sections 512(2) and 516 (as in effect immediately before such repeal) shall apply with respect to this section.”.

(b) REPEAL OF CONTRACT RENEWAL AUTHORITY UNDER SECTION 405(a).—Section 405(a) of The Balanced Budget Downpayment Act, I is hereby repealed.

(c) EXEMPTIONS FROM RESTRUCTURING.—(1) Section 514(h)(1) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, is amended to read as follows:

“(1) The primary financing for the project was provided by a unit of State government or a unit of general local government (or an agency or instrumentality of either) and the primary financing involves mortgage insurance under the National Housing Act, such that implementation of a mortgage restructuring and rental assistance sufficiency plan under this Act would be in conflict with applicable law or agreements governing such financing;”.

(2) Section 524(a)(2)(B) is amended by striking “and the financing” and inserting “and the primary financing”.

(d) MANDATORY RENEWAL OF PROJECT-BASED ASSISTANCE.—Section 515(c)(1) is amended by inserting “or” after the semicolon at the end of subparagraph (b).

(e) PARTIAL PAYMENTS OF CLAIMS.—Section 514 of the National Housing Act is amended by—

(1) by striking “1978 or” and inserting “1978) or”; and

(2) by striking “)))” and inserting “))”.

SEC. 223. CLARIFICATION OF OWNER'S RIGHT TO PREPAY. (a) PREPAYMENT RIGHT.—Notwithstanding section 211 of the Housing and Community Development Act of 1987 or section 221 of the Housing and Community Development Act of 1987 (as in effect pursuant to section 604(c) of the Cranston-Gonzalez National Affordable Housing Act), subject to subsection (b), with respect to any project that is eligible low-income housing (as that term is defined in section 229 of the Housing and Community Development Act of 1987)—

(1) the owner of the project may prepay, and the mortgagee may accept prepayment of, the mortgage on the project, and

(2) the owner may request voluntary termination of a mortgage insurance contract with respect to such project and the contract may be terminated notwithstanding any requirements under sections 229 and 250 of the National Housing Act.

(b) CONDITIONS.—Any prepayment of a mortgage or termination of an insurance contract authorized under subsection (a) may be made—

(1) only to the extent that such prepayment or termination is consistent with the terms and conditions of the mortgage or mortgage insurance contract for the project; and

(2) only if owner of the project involved agrees not to increase the rent charges for any dwelling unit in the project during the 60-day period beginning upon such prepayment or termination.

SEC. 224. PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT. The Public and Assisted Housing Drug Elimination Act of 1990 is amended—

(1) in section 5123, by inserting “Indian tribes” before “and private”; and

(2) in section 5124(a)(7), by inserting “, an Indian tribe,” before “or tribally designated”; and

(3) in section 5125, by inserting “an Indian tribe” before “or tribally designated”; and

(4) by adding at the end the following new paragraph:

“(6) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in 25 U.S.C. 4103(12).”.

SEC. 225. MULTIFAMILY HOUSING INSTITUTE. Notwithstanding any other provision of law,

the Secretary may, from time to time, as determined necessary to assist the Department in managing its multifamily assets including analyzing, tracking and evaluating its portfolio of FHA-insured and other mortgages and properties and assisting the Department in understanding and reducing the risk involved in its mortgage restructuring, insuring and guaranteeing activities, provide data to, and purchase data from, any nonprofit, industry supported, on-line provider of nationwide, multifamily housing loan and property data services.

SEC. 226. MULTIFAMILY MORTGAGE AUCTIONS. Section 221(g)(4)(C) of the National Housing Act is amended—

(1) in the first sentence of clause (viii), by striking “September 30, 1996” and inserting “December 31, 2002”; and

(2) by adding at the end the following:

“(ix) The authority of the Secretary to conduct multifamily auctions under this paragraph shall be effective for any fiscal year only to the extent and in such amounts as are approved in appropriations Acts for the costs of loan guarantees (as defined in section 502 of the Congressional Budget Act of 1974), including the cost of modifying loans.”.

SEC. 227. Notwithstanding any other provision of law, of the \$1,250,000 made available pursuant to Public Law 102-389 for economic revitalization and infrastructure repair in Montpelier, Vermont, \$250,000 is available for the Central Vermont Revolving Loan Fund administered by the Central Vermont Community Action Council.

SEC. 228. ANNUAL REPORT ON MANAGEMENT DEFICIENCIES. (a) IN GENERAL.—Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by adding at the end the following:

“(w) MANAGEMENT DEFICIENCIES REPORT.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to Congress a report on the plan of the Secretary to address each material weakness, reportable condition, and noncompliance with an applicable law or regulation (as defined by the Director of the Office of Management and Budget) identified in the most recent audited financial statement of the Federal Housing Administration submitted under section 3515 of title 31, United States Code.

“(2) CONTENTS OF ANNUAL REPORT.—Each report submitted under paragraph (1) shall include—

“(A) an estimate of the resources, including staff, information systems, and contract assistance, required to address each material weakness, reportable condition, and noncompliance with an applicable law or regulation described in paragraph (1), and the costs associated with those resources;

“(B) an estimated timetable for addressing each material weakness, reportable condition, and noncompliance with an applicable law or regulation described in paragraph (1); and

“(C) the progress of the Secretary in implementing the plan of the Secretary included in the report submitted under paragraph (1) for the preceding year, except that this subparagraph does not apply to the initial report submitted under paragraph (1).”.

(b) EFFECT ON OTHER AUTHORITY.—The Secretary of Housing and Urban Development may not implement section 219 of this Act before the date on which the Secretary submits the initial report required under section 203(w) of the National Housing Act (12 U.S.C. 1709(w)), as added by subsection (a) of this section.

SEC. 229. LOW-INCOME HOUSING PRESERVATION AND RESIDENT HOMEOWNERSHIP. (a) NOTICE OF PREPAYMENT OR TERMINATION.—

(1) IN GENERAL.—Notwithstanding section 212(b) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4102) or any other provision of law, during fiscal year 1998 and each fiscal year thereafter, an owner of eligible low-income housing (as defined in section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4119)) that intends to take any action described in section 212(a) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4102(a)) shall, not less than 1 year before the date on which the action is taken—

(A) file a notice indicating that intent with the chief executive officer of the appropriate State or local government for the jurisdiction within which the housing is located; and

(B) provide each tenant of the housing with a copy of that notice.

(2) EXCEPTION.—The requirements of this subsection do not apply in any case in which the prepayment or termination at issue is necessary to effect conversion to ownership by a priority purchaser (as defined in section 231(a) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4120(a))). The requirements of this subsection do not apply where owner's have provided legal notice of prepayment or termination as of July 7, 1998, under the terms of current law.

SEC. 230. (a) INFORMED CONSUMER CHOICE.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by adding at the end the following:

"Notwithstanding subparagraph (A) of this paragraph, the Secretary may not insure a mortgage unless the original lender making the loan secured by that mortgage provided to the prospective mortgagor a written notice that included (i) a generic analysis comparing the note rate (and associated interest payments), insurance premiums, and other costs and fees that would be due over the life of the loan for a loan insured by the Secretary under this subsection with the note rates, insurance premiums (if applicable), and other costs and fees that would be expected to be due if the mortgagor obtained instead any of the mortgagor's 3 most frequently employed structures for mortgage loans with a similar loan-to-value ratio in connection with a conventional mortgage (as that term is used in section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2))) or section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), as applicable), assuming prevailing interest rates; and (ii) a statement regarding when the mortgagor's requirement to pay the mortgage insurance premiums for a mortgage insured under this section would terminate or a statement that the requirement will terminate only if the mortgage is refinanced, paid off, or otherwise terminated."

(b) ANNUAL STUDY BY COMPTROLLER GENERAL.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by adding at the end the following:

"Not later than the expiration of a 1-year period beginning on the effective date of this undesignated paragraph and annually thereafter, the Comptroller General of the United States shall conduct and submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a study regarding the extent, and cost to consumers, of steering by lenders to loans insured by the Secretary under this subsection and the degree to which lenders have complied with the requirements of this subsection."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect immediately.

TITLE III—INDEPENDENT AGENCIES AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; \$26,931,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That, of the funds made available under this heading, \$2,500,000 for the restoration and renovation of the Liberty Memorial Monument to World War I located in Kansas City, Missouri.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$6,500,000: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$55,000,000, to remain available until September 30, 2000, of which \$12,000,000 may be used for the cost of direct loans, and up to \$1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$32,000,000: *Provided further*, That not more than \$25,000,000 of the funds made available under this heading may be used for programs

and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$46,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), \$425,500,000, to remain available until September 30, 1999: *Provided*, That not more than \$27,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): *Provided further*, That not more than \$2,500 shall be for official reception and representation expenses: *Provided further*, That not more than \$70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed \$5,000,000 shall be available for national service scholarships for high school students performing community service: *Provided further*, That not more than \$227,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than \$40,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That not more than \$5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than \$18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than \$43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than \$30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I

of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than \$5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$3,000,000.

COURT OF VETERANS APPEALS SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251-7298, \$10,000,000, of which \$865,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$11,666,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY (INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$643,460,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to

members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$6,000 for official reception and representation expenses, \$1,840,500,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$31,154,000, to remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$52,948,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; not to exceed \$1,500,000,000 (of which \$100,000,000 shall not become available until September 1, 1999), to remain available until expended, consisting of \$1,250,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and \$250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101-508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That \$12,237,300 of the funds appropriated under this heading shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2000: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, \$74,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: *Provided further*, That \$40,200,000 of the funds appropriated under this heading shall be transferred to the "Science and Technology" appropriation to remain available until September 30, 2000: *Provided further*, That none of the funds appropriated under this heading shall be used for Brownfields revolving loan funds unless specifically authorized by subsequent legislation: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1998.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$75,000,000, to remain available until expended: *Provided*, That hereafter, the Administrator is authorized to enter into assistance agreements with Federally recognized Indian tribes on such terms and conditions as she deems appropriate for the same purposes as are set forth in section 9003(h)(7) of RCRA.

OIL SPILL RESPONSE (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,255,000,000, to remain available until expended, of which \$1,400,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, and \$800,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; \$75,000,000 for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$30,000,000 for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; \$100,000,000 for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the Committee report (S. Rept. 105-216) accompanying this Act (S. 2168); and \$850,000,000 for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: *Provided*, That, consistent with section 1452(g) of the Safe Drinking Water Act (42 U.S.C. 300j-12(g)), section 302 of the Safe Drinking Water Act Amendments of 1996 (Public Law 104-182) and the accompanying joint explanatory statement of the committee on conference (H. Rept. No. 104-741 to accompany S. 1316, the Safe Drinking Water Act Amendments of 1996), and notwithstanding any other provision of law, beginning in fiscal year 1999 and thereafter, States may combine the assets of State Revolving Funds (SRFs) established under section 1452 of the Safe Drinking Water Act, as amended, and title VI of the Federal Water Pollution Control Act, as amended, as security for bond issues to enhance the lending capacity of one or both SRFs, but not to acquire the state

match for either program, provided that revenues from the bonds are allocated to the purposes of the Safe Drinking Water Act and the Federal Water Pollution Control Act in the same portion as the funds are used as security for the bonds: *Provided further*, That, notwithstanding the matching requirement in Public Law 104-204 for funds appropriated under this heading for grants to the State of Texas for improving wastewater treatment for the Colonias, such funds that remain unobligated may also be used for improving water treatment for the Colonias, and shall be matched by State funds from State resources equal to 20 percent of such unobligated funds: *Provided further*, That, hereafter the Administrator is authorized to enter into assistance agreements with Federally recognized Indian tribes on such terms and conditions as she deems appropriate for the development and implementation of programs to manage hazardous waste, and underground storage tanks: *Provided further*, That beginning in fiscal year 1999 and thereafter, pesticide program implementation grants under section 23(a)(1) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, shall be available for pesticide program development and implementation, including enforcement and compliance activities: *Provided further*, That, notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts a State has heretofore included, or will hereafter include, as principal in loans made by such fund to eligible borrowers where such amounts represent costs of administering the fund, except that such amounts heretofore or hereafter included in loans shall be accounted for separately from other assets in the fund, shall only be used for purposes of administering the fund and shall not exceed an amount that the Administrator deems reasonable.

ADMINISTRATIVE PROVISIONS

(a) **GOVERNMENT OWNED SHIPS DISMANTLED IN FOREIGN COUNTRIES.**—None of the funding provided under this Act may be used by the Environmental Protection Agency to issue any notification, or enter into, implement or approve agreements that enable the export of government owned ships to be dismantled in foreign countries unless the Administrator of the Environmental Protection Agency certifies to the Congress that the environmental standards imposed by law and enforced in the country in which the vessel is to be dismantled or scrapped are comparable to the environmental standards imposed and enforced under United States law.

(b) **LIMITATION ON FUNDS USED TO ENFORCE REGULATIONS REGARDING ANIMAL FATS AND VEGETABLE OILS.**—None of the funds made available by this Act or subsequent Acts may be used by the Environmental Protection Agency to issue, implement, or enforce a regulation or to establish an interpretation or guideline under the Edible Oil Regulatory Reform Act (Public Law 104-55) or the amendments made by that Act, that does not recognize and provide for, with respect to fats, oils, and greases (as described in that Act, or the amendments made by that Act) differences in—

- (1) physical, chemical, biological and other relevant properties; and
- (2) environmental effects.

Not later than March 31, 1999, the Administrator of the Environmental Protection Agency shall issue regulations amending 40 C.F.R. 112 to comply with the requirements of Public Law 104-55.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,026,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, \$2,575,000: *Provided*, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading, shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: *Provided further*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as Chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$34,666,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$846,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, \$1,355,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000.

In addition, for administrative expenses to carry out the direct loan program, \$440,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$2,500 for official reception and representation expenses, \$170,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$5,400,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404-405), and Reorganization Plan No. 3 of 1978, \$239,000,000, including \$11,000,000 for assisting State and local governments in preparing for and responding to terrorist incidents: *Provided*, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131 (b) and (c) and 42 U.S.C. 5196 (e) and (i), \$25,000,000 of the funds made available under this heading shall be available until expended for project grants.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended, \$100,000,000: *Provided*, That total administrative costs shall not exceed three and one-half percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

There is hereby established in the Treasury a Radiological Emergency Preparedness Fund, which shall be available under the Atomic Energy Act of 1954, as amended, and Executive Order 12657, for offsite radiological emergency planning, preparedness, and response. Beginning in fiscal year 1999 and thereafter, the Director of the Federal Emergency Management Agency (FEMA) shall promulgate through rulemaking fees to be assessed and collected, applicable to persons subject to FEMA's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1999 shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 1999, and remain available until expended.

For necessary expenses of the Fund for fiscal year 1999, \$12,849,000, to remain available until expended.

NATIONAL FLOOD INSURANCE FUND (INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed \$22,685,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed \$78,464,000 for flood mitigation, including up to \$20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2000. In fiscal year 1999, no funds

in excess of (1) \$47,000,000 for operating expenses, (2) \$343,989,000 for agents' commissions and taxes, and (3) \$60,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 1999, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104-208, is further amended by striking "1998" and inserting "1999".

Section 1319 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4026), is amended by striking "September 30, 1998" and inserting "September 30, 1999".

Section 1336 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4056), is amended by striking "September 30, 1998" and inserting "September 30, 1999".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking "September 30, 1998" and inserting "September 30, 1999".

GENERAL SERVICES ADMINISTRATION CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$2,419,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of \$7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1999 in excess of \$7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION INTERNATIONAL SPACE STATION (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in support of the International Space Station, including development, operations and research support; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$2,300,000,000, to remain available until September 30, 2000.

LAUNCH VEHICLES AND PAYLOAD OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of the space shuttle program, including safety and performance upgrades, space shuttle operations, and payload utilization and operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$3,241,000,000, to remain available until September 30, 2000: *Provided*, That none of the funds provided under this heading may be utilized to support the development or operations of the International Space Station other than costs of space shuttle flights utilized for space station assembly.

SCIENCE AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of

space science, earth science, life and micro-gravity science, and academic programs, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,257,400,000, to remain available until September 30, 2000: *Provided*, That none of the funds provided under this heading may be utilized to support the development or operations of the International Space Station.

AERONAUTICS, SPACE TRANSPORTATION AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics, space transportation, and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$1,305,000,000, to remain available until September 30, 2000: *Provided*, That none of the funds provided under this heading may be utilized to support the development or operations of the International Space Station.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for international space station, space shuttle, science and technology, aeronautics, space transportation and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed \$35,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles; \$2,491,600,000, to remain available until September 30, 2000: *Provided*, That none of the funds provided under this heading may be utilized to support the development or operations of the International Space Station.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$20,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "International Space Station", "Launch Vehicles and Payload Operations", "Science and Technology", "Aeronautics, Space Transportation and Technology", or "Mission Support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission sup-

port" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "International Space Station", "Launch Vehicles and Payload Operations", "Science and Technology", "Aeronautics, Space Transportation and Technology", or "Mission Support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2001.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1999 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

During fiscal year 1999, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed \$600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1999 shall not exceed \$176,000: *Provided further*, That \$1,000,000, together with amounts of principal and interest on loans repaid, to be available until expended, is available for loans to community development credit unions.

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; \$2,725,000,000, of which not to exceed \$228,530,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2000: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That \$50,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, \$94,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, \$683,000,000, to remain available until September 30, 2000: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services and headquarters relocation; \$136,950,000: *Provided*, That contracts may be entered into under "Salaries and expenses" in fiscal year 1999 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$5,200,000, to remain available until September 30, 2000.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$60,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$24,940,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: *Provided*, That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed di-

rectly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at

more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect

costs, except as published in Office of Management and Budget Circular A-21.

SEC. 417. Such sums as may be necessary for fiscal year 1999 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1999 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 1999 and prior fiscal years may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 423. (a) Each entity that receives a grant from the Federal Government for purposes of providing emergency shelter for homeless individuals shall—

(1) ascertain, to the extent practicable, whether or not each adult individual seeking such shelter from such entity is a veteran; and

(2) provide each such individual who is a veteran such counseling relating to the availability of veterans benefits (including employment assistance, health care benefits, and other benefits) as the Secretary of Veterans Affairs considers appropriate.

(b) The Secretary of Veterans Affairs and the Secretary of Housing and Urban Development shall jointly coordinate the activities required by subsection (a).

(c) Entities referred to in subsection (a) shall notify the Secretary of Veterans Affairs of the number and identity of veterans ascertained under paragraph (1) of that subsection. Such entities shall make such notification with such frequency and in such form as the Secretary shall specify.

(d) Notwithstanding any other provision of law, an entity referred to subsection (a) that fails to meet the requirements specified in that subsection shall not be eligible for additional grants or other Federal funds for purposes of carrying out activities relating to emergency shelter for homeless individuals.

SEC. 424. NATIONAL FALLEN FIREFIGHTERS FOUNDATION. (a) ESTABLISHMENT AND PURPOSES.—Section 202 of the National Fallen Firefighters Foundation Act (36 U.S.C. 5201) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) primarily—

"(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with the memorial; and

"(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A)";

(2) in paragraph (2), by inserting "and Federal" after "non-Federal";

(3) in paragraph (3)—

(A) by striking "State and local" and inserting "Federal, State, and local"; and

(B) by striking "and" at the end;

(4) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

"(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

"(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety in coordination with the United States Fire Administration."

(b) BOARD OF DIRECTORS OF FOUNDATION.—Section 203(g)(1) of the National Fallen Firefighters Foundation Act (36 U.S.C. 5202(g)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) appointing officers or employees;"

(c) ADMINISTRATIVE SERVICES AND SUPPORT.—Section 205 of the National Fallen Firefighters Foundation Act (36 U.S.C. 5204) is amended to read as follows:

"SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.

"(a) IN GENERAL.—During the 10-year period beginning on the date of enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, the Administrator may—

"(1) provide personnel, facilities, and other required services for the operation of the Foundation; and

"(2) request and accept reimbursement for the assistance provided under paragraph (1).

"(b) REIMBURSEMENT.—Any amounts received under subsection (a)(2) as reimbursement for assistance shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing that assistance.

"(c) PROHIBITION.—Notwithstanding any other provision of law, no Federal personnel or stationery may be used to solicit funding for the Foundation."

SEC. 425. INELIGIBILITY OF INDIVIDUALS CONVICTED OF MANUFACTURING OR PRODUCING METHAMPHETAMINE FOR CERTAIN HOUSING ASSISTANCE. Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by adding at the end the following:

"(f) INELIGIBILITY OF INDIVIDUALS CONVICTED OF MANUFACTURING OR PRODUCING METHAMPHETAMINE ON THE PREMISES.—Notwithstanding any other provision of law, a public housing agency shall establish standards for occupancy in public housing dwell-

ing units and assistance under section 8 that—

"(1) permanently prohibit occupancy in any public housing dwelling unit by, and assistance under section 8 for, any person who has been convicted of manufacturing or otherwise producing methamphetamine on the premises in violation of any Federal or State law; and

"(2) immediately and permanently terminate the tenancy in any public housing unit of, and the assistance under section 8 for, any person who is convicted of manufacturing or otherwise producing methamphetamine on the premises in violation of any Federal or State law."

SEC. 426. SENSE OF SENATE REGARDING MAXIMUM TRAVEL DISTANCE FOR VETERANS TO HEALTH CARE FACILITIES. (a) It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans at health care facilities within 250 miles of their homes, and to minimize travel distances if specialized services are not available at a health care facility operated by the Veterans Health Administration within 250 miles of a veteran's home.

(b) Not later than 6 months after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the estimated costs to and impact on the health care system administered by the Veterans Health Administration of making specialty care available to all veterans within 250 miles of their homes.

SEC. 427. None of the funds provided in this Act may be obligated after February 15, 1999, unless each department, agency, corporation, and commission that receives funds herein provides detailed justifications to the Committees on Appropriations for all salary and expense activities for fiscal years 1999 through 2003, including personnel compensation and benefits, consulting costs, professional services or technical service contracts regardless of the dollar amount, contracting out costs, travel and other standard object classifications for all headquarters offices, regional offices, or field installations and laboratories, including the number of full-time equivalents per office, and the personnel compensation, benefits and travel costs for each Secretary, Assistant Secretary or Administrator.

SEC. 428. COMPREHENSIVE ACCOUNTABILITY STUDY FOR FEDERALLY-FUNDED RESEARCH. (a) STUDY.—The Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget, may enter into an agreement with the National Academy of Sciences for the Academy to conduct a comprehensive study to develop methods for evaluating federally-funded research and development programs. This study shall—

(1) recommend processes to determine an acceptable level of success for federally-funded research and development programs by—

(A) describing the research process in the various scientific and engineering disciplines;

(B) describing in the different sciences what measures and what criteria each community uses to evaluate the success or failure of a program, and on what time scales these measures are considered reliable—both for exploratory long-range work and for short-range goals; and

(C) recommending how these measures may be adapted for use by the Federal Government to evaluate federally-funded research and development programs;

(2) assess the extent to which agencies incorporate independent merit-based evaluation into the formulation of the strategic plans of funding agencies and if the quantity

or quality of this type of input is unsatisfactory;

(3) recommend mechanisms for identifying federally-funded research and development programs which are unsuccessful or unproductive;

(4) evaluate the extent to which independent, merit-based evaluation of federally-funded research and development programs and projects achieves the goal of eliminating unsuccessful or unproductive programs and projects; and

(5) investigate and report on the validity of using quantitative performance goals for aspects of programs which relate to administrative management of the program and for which such goals would be appropriate, including aspects related to—

(A) administrative burden on contractors and recipients of financial assistance awards;

(B) administrative burdens on external participants in independent, merit-based evaluations;

(C) cost and schedule control for construction projects funded by the program;

(D) the ratio of overhead costs of the program relative to the amounts expended through the program for equipment and direct funding of research; and

(E) the timeliness of program responses to requests for funding, participation, or equipment use.

(b) **INDEPENDENT MERIT-BASED EVALUATION DEFINED.**—The term “independent merit-based evaluation” means review of the scientific or technical quality of research or development, conducted by experts who are chosen for their knowledge of scientific and technical fields relevant to the evaluation and who—

(1) in the case of the review of a program activity, do not derive long-term support from the program activity; or

(2) in the case of the review of a project proposal, are not seeking funds in competition with the proposal.

SEC. 429. INSURANCE; INDEMNIFICATION; LIABILITY. (a) **IN GENERAL.**—The Administrator may provide liability insurance for, or indemnification to, the developer of an experimental aerospace vehicle developed or used in execution of an agreement between the Administration and the developer.

(b) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the insurance and indemnification provided by the Administration under subsection (a) to a developer shall be provided on the same terms and conditions as insurance and indemnification is provided by the Administration under section 308 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458b) to the user of a space vehicle.

(2) **INSURANCE.**—

(A) **IN GENERAL.**—A developer shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

(i) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with the development or use of an experimental aerospace vehicle; and

(ii) the United States Government for damage or loss to Government property resulting from such an activity.

(B) **MAXIMUM REQUIRED.**—The Administrator shall determine the amount of insurance required, but, except as provided in subparagraph (C), that amount shall not be greater than the amount required under section 70112(a)(3) of title 49, United States Code, for a launch. The Administrator shall publish notice of the Administrator's determination and the applicable amount or amounts in the Federal Register within 10 days after making the determination.

(C) **INCREASE IN DOLLAR AMOUNTS.**—The Administrator may increase the dollar amounts set forth in section 70112(a)(3)(A) of title 49, United States Code, for the purpose of applying that section under this section to a developer after consultation with the Comptroller General and such experts and consultants as may be appropriate, and after publishing notice of the increase in the Federal Register not less than 180 days before the increase goes into effect. The Administrator shall make available for public inspection, not later than the date of publication of such notice, a complete record of any correspondence received by the Administration, and a transcript of any meetings in which the Administration participated, regarding the proposed increase.

(D) **SAFETY REVIEW REQUIRED BEFORE ADMINISTRATOR PROVIDES INSURANCE.**—The Administrator may not provide liability insurance or indemnification under subsection (a) unless the developer establishes to the satisfaction of the Administrator that appropriate safety procedures and practices are being followed in the development of the experimental aerospace vehicle.

(3) **NO INDEMNIFICATION WITHOUT CROSS-WAIVER.**—Notwithstanding subsection (a), the Administrator may not indemnify a developer of an experimental aerospace vehicle under this section unless there is an agreement between the Administration and the developer described in subsection (c).

(4) **APPLICATION OF CERTAIN PROCEDURES.**—If the Administrator requests additional appropriations to make payments under this section, like the payments that may be made under section 308(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458b(b)), then the request for those appropriations shall be made in accordance with the procedures established by subsections (d) and (e) of section 70113 of title 49, United States Code.

(c) **CROSS-WAIVERS.**—

(1) **ADMINISTRATOR AUTHORIZED TO WAIVE.**—The Administrator, on behalf of the United States, and its departments, agencies, and instrumentalities, may reciprocally waive claims with a developer and with the related entities of that developer under which each party to the waiver agrees to be responsible, and agrees to ensure that its own related entities are responsible, for damage or loss to its property for which it is responsible, or for losses resulting from any injury or death sustained by its own employees or agents, as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

(2) **LIMITATIONS.**—

(A) **CLAIMS.**—A reciprocal waiver under paragraph (1) may not preclude a claim by any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, or the developer's subcontractors) or that natural person's estate, survivors, or subrogees for injury or death, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

(B) **LIABILITY FOR NEGLIGENCE.**—A reciprocal waiver under paragraph (1) may not absolve any party of liability to any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, or the developer's subcontractors) or such a natural person's estate, survivors, or subrogees for negligence, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

(C) **INDEMNIFICATION FOR DAMAGES.**—A reciprocal waiver under paragraph (1) may not be used as the basis of a claim by the Administration or the developer for indemnifica-

tion against the other for damages paid to a natural person, or that natural person's estate, survivors, or subrogees, for injury or death sustained by that natural person as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

(d) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATION.**—The term “Administration” means the National Aeronautics and Space Administration.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(3) **COMMON TERMS.**—Any term used in this section that is defined in the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) has the same meaning in this section as when it is used in that Act.

(4) **DEVELOPER.**—The term “developer” means a person (other than a natural person) who—

(A) is a party to an agreement that was in effect before the date of enactment of this Act with the Administration for the purpose of developing new technology for an experimental aerospace vehicle;

(B) owns or provides property to be flown or situated on that vehicle; or

(C) employs a natural person to be flown on that vehicle.

(5) **EXPERIMENTAL AEROSPACE VEHICLE.**—The term “experimental aerospace vehicle” means an object intended to be flown in, or launched into, suborbital flight for the purpose of demonstrating technologies necessary for a reusable launch vehicle, developed under an agreement between the Administration and a developer that was in effect before the date of enactment of this Act.

(e) **RELATIONSHIP TO OTHER LAWS.**—

(1) **SECTION 308 OF NATIONAL AERONAUTICS AND SPACE ACT OF 1958.**—This section does not apply to any object, transaction, or operation to which section 308 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458b) applies.

(2) **CHAPTER 701 OF TITLE 49, UNITED STATES CODE.**—The Administrator may not provide indemnification to a developer under this section for launches subject to license under section 70117(g)(1) of title 49, United States Code.

(f) **TERMINATION.**—

(1) **IN GENERAL.**—The provisions of this section shall terminate on December 31, 2002, except that the Administrator may extend the termination date to a date not later than September 30, 2005, if the Administrator determines that such an extension is necessary to cover the operation of an experimental aerospace vehicle.

(2) **EFFECT OF TERMINATION ON AGREEMENTS.**—The termination of this section does not terminate or otherwise affect a cross-waiver agreement, insurance agreement, indemnification agreement, or any other agreement entered into under this section except as may be provided in that agreement.

SEC. 430. VIETNAM VETERANS ALLOTMENT. The Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

“OPEN SEASON FOR CERTAIN NATIVE ALASKAN VETERANS FOR ALLOTMENTS.

“SEC. 41. (a) **IN GENERAL.**—(1) During the eighteen month period following promulgation of implementing rules pursuant to paragraph (6), a person described in subsection (b) shall be eligible for an allotment of not more than 160 acres of land under the Act of May 17, 1906 (chapter 2469; 34 Stat. 197), as such Act was in effect before December 18, 1971.

“(2) Allotments selected under this section shall not be from existing native or non-native campsites, except for campsites used

primarily by the person selecting the allotment.

"(3) Only Federal lands shall be eligible for selection and conveyance under this Act.

"(4) All conveyances shall be subject to valid existing rights, including any right of the United States to income derived, directly or indirectly, from a lease, license, permit, right-of-way or easement.

"(5) All State selected lands that have not yet been conveyed shall be ineligible for selection under this section.

"(6) No later than 18 months after enactment of this section, the Secretary of the Interior shall promulgate, after consultation with Alaska Natives groups, rules to carry out this section.

"(7) The Secretary of the Interior may convey alternative Federal lands, including lands within a Conservation System Unit, to a person entitled to an allotment located within a Conservation System Unit if—

"(A) the Secretary determines that the allotment would be incompatible with the purposes for which the Conservation System Unit was established; and

"(B) the alternative lands are of equal acreage to the allotment.

"(b) ELIGIBLE INDIVIDUALS.—(1) A person is eligible under subsection (a) if that person would have been eligible under the Act of May 17, 1906 (chapter 2469; 34 Stat. 197), as that Act was in effect before December 18, 1971, and that person is a veteran who served during the period between January 1, 1968 and December 31, 1971.

"(c) STUDY AND REPORT.—The Secretary of the Interior shall—

"(1) conduct a study to identify and assess the circumstances of veterans of the Vietnam era who were eligible for allotments under the Act of May 17, 1906 but who did not apply under that Act and are not eligible under this section; and

"(2) within one year of enactment of this section, issue a written report with recommendations to the Committee on Appropriations and the Committee on Energy and Natural Resources in the Senate and the Committee on Appropriations and the Committee on Resources in the House of Representatives.

"(d) DEFINITIONS.—For the purposes of this section, the terms 'veteran' and 'Vietnam era' have the meanings given those terms by paragraphs (2) and (29), respectively, of section 101 of title 38, United States Code."

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999".

MEASURE READ THE FIRST TIME—H.R. 1432

Mr. STEVENS. Madam President, is H.R. 1432 still at the desk?

The PRESIDING OFFICER. The bill is at the desk.

Mr. STEVENS. Has it been read once?

The PRESIDING OFFICER. It has not yet been read the first time.

Mr. STEVENS. I ask it be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: A bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa.

Mr. STEVENS. I now request its second reading and object to that request.

The PRESIDING OFFICER. Objection is heard.

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. STEVENS. Madam President, I ask that the pending business be temporarily set aside and that S. 2260, the Commerce-State-Justice appropriations bill, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2260) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

FUNDING FOR THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

Mr. ROBB. Madam President, I would like to call my colleagues' attention to one of the international organizations being funded by the Commerce-State-Justice Appropriation bill, the Organization for Economic Cooperation and Development (OECD).

As many of my colleagues are aware, the OECD has its origins in the Marshall plan. While its original mandate was to help rebuild post-War Europe, over the years, the OECD has taught us that nations through economic cooperation can take charge of their own destinies. Article 1 of the OECD Convention clearly states its mission, which is to have its member nations achieve the highest sustainable economic growth and employment, to contribute to sound economic expansion in Member as well as non-member nations, and to contribute to the expansion of world trade on a multilateral, non-discriminatory basis. These goals are as relevant today as they were when the OECD was founded.

The current work of the OECD spans the horizon. A few issues that are important to this Congress that the OECD is working on are the Asian economic crisis, the Anti-Bribery Convention and cryptography policy. OECD economic surveys, its twice-yearly Economic Outlook and its countless statistics on a wide range of economic activities are important sources of information for us as we meet the challenges of the global economy.

But the OECD has also understood that in today's tough budgetary environment, there is a real need to make cuts. And organization officials have taken these necessary steps. The OECD is decreasing its budget which to date includes a reduction of 180 staff, more than 10% of its total. Clearly, the OECD gets the message and deserves credit for its efforts.

I urge the committee and the administration to fully fund the OECD. It continues to make a valuable contribution, and is willing to implement the kinds of reforms that should only increase its efficiency and productivity.

ORDERS FOR TUESDAY, JULY 21, 1998

Mr. STEVENS. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Tuesday, July 21. I further ask that when the Senate reconvenes on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period of morning business until 10 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator DORGAN, 30 minutes, and Senator ASHCROFT for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent that following morning business the Senate proceed to vote on the motion to invoke cloture on H.R. 4112, the legislative branch appropriations bill. I further ask that following the disposition of the legislative appropriations bill, the Senate immediately resume consideration of S. 2260, the Commerce-State-Justice appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Madam President, for the information of all Senators, when the Senate reconvenes on Tuesday there will be a period of morning business until 10 a.m. Following morning business, the Senate will vote on the motion to invoke cloture on the legislative branch appropriations bill. After the disposition of the legislative branch appropriations bill, the Senate will resume consideration of the Commerce-State-Justice appropriations bill. It is hoped that Members will come to the floor during Tuesday's session to offer and debate amendments as the Senate attempts to make good progress on this bill. We may also consider other legislative or executive items that are cleared for action on the Senate floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:25 p.m., adjourned until Tuesday, July 21, 1998, at 9 a.m.